Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Security assurances against the use or threat of use of nuclear weapons

Working paper submitted by the Islamic Republic of Iran

1. Any nuclear weapon use will lead to immediate, indiscriminate and massive death and destruction and long-term catastrophic consequences on human health, the environment and other vital economic resources, thus endangering the lives of present and future generations. As long as nuclear weapons exist, the risk of their use or threat of use persists. The only absolute guarantee against the use or threat of use of nuclear weapons is nuclear disarmament and the total elimination of nuclear weapons.

2. The International Court of Justice decided, in its advisory opinion of 8 July 1996 on the Legality of the Threat or Use of Nuclear Weapons, that "there is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons", and "the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law". Therefore, as any use or threat of use of nuclear weapons would be contrary to Article 2 (4) of the Charter of the United Nations, general principles of international law and rules and regulations of the international humanitarian law, and would constitute a crime against humanity, there should be assurance against the use or threat of use of these illegal, inhumane and illegitimate weapons, pending the realization of the total elimination of nuclear weapons and as an interim measure.

3. It is the legitimate right of all non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances. Assurances that such weapons would never be used against non-nuclear-weapon States parties to the Non-Proliferation Treaty would strengthen the security of such States which have renounced the acquisition of nuclear weapons and promote the objective of nuclear disarmament and non-proliferation.

4. Since 1946, there have been repeated calls, by the overwhelming majority of the non-nuclear weapon States, in numerous resolutions of the General Assembly, for the realization of effective, universal, unconditional, non-discriminatory and irrevocable

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legally binding security assurances against the use or threat of use of nuclear weapons. Such calls have also been made at all Review Conferences.

5. While some provocative and destabilizing policies and measures, such as the improvement of existing nuclear weapons, as well as the development of new types of such weapons, in particular tactical nuclear weapons — which, by reducing the threshold for their use, gives rise to fears of the use of these inhumane weapons — the abrogation of the Anti-Ballistic Missile Treaty and the acts of some nuclear-weapon States with regard to nuclear-weapon-sharing and the deploying of hundreds of nuclear weapons and global missile defence systems in other countries, continue to negatively impact the security of the non-nuclear-weapon States parties to the Non-Proliferation Treaty, regrettably, no substantial achievement has yet been reached on granting security assurances to such States.

6. At the same time, the relevant unilateral statements by nuclear-weapon States regarding security assurances against the use and threat of use of nuclear weapons are limited, conditional and insufficient and, above all, can justify the use of such weapons by resorting to such vague and undefined concepts as "defending the vital interests" of a nuclear-weapon State or its "allies and partners".

7. Under the nuclear strategies, concepts and policies of certain nuclear-weapon States and a certain nuclear alliance, the use of nuclear weapons against non-nuclear-weapon States in specific circumstances is envisaged. For instance, according to the Nuclear Posture Review of a nuclear-weapon State, the possibility of the use or threat of use of nuclear weapons against non-nuclear-weapons States that are party to the Non-Proliferation Treaty has been envisaged.

8. It is argued by nuclear-weapon States that negative security assurances should be granted only in the context of the nuclear-weapon-free zones, which, of course, is rejected by the Islamic Republic of Iran and many other countries because, firstly, the respective protocols of some treaties establishing such zones have not been signed or ratified by one or more nuclear-weapon States; secondly, the protocols additional to a certain such treaty have been signed and ratified by nuclear-weapon States, but with reservations and interpretative declarations contrary to the object and purpose of such instruments, and therefore, in practice, to date, none of the existing nuclear-weapon-free zones have received "unconditional and irrevocable legally binding assurances"; and thirdly, the prospects for the establishment of a nuclear-weapon-free zone in some regions such as the Middle East is quite unclear due to the persistent refusal of the Israeli regime to accede to the Non-Proliferation Treaty without any further delay and condition as a non-nuclear-weapon party.

9. Taking into account the aforesaid facts and observations, in the view of the Islamic Republic of Iran, the full realization of the right of all non-nuclear-weapon States parties to the Treaty to receive such assurances is of crucial importance and needs to be addressed by the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons as a matter of priority and through the establishment of a subsidiary body on security assurances.

10. To that end, the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons should adopt a separate "decision on negative security assurances", containing the following elements:

Recognizes that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons;

Affirms that any use or threat of use of nuclear weapons would be contrary to Article 2 (4) of the Charter of the United Nations, general principles of international law and rules and regulations of the international humanitarian law, and would

constitute a crime against humanity, and that resorting to Article 51 of the Charter to do so is also not justified;

Reaffirms the particular importance of assuring and strengthening the security of non-nuclear-weapon States parties;

Recognizes the right and legitimate interest of all non-nuclear-weapon States parties to receive unequivocal and legally binding security assurances from nuclear-weapon States against the use or threat of use of nuclear weapons, and the urgent need to extend such assurances, pending the total elimination of nuclear weapons;

Declares that all the nuclear-weapon States unequivocally undertake to refrain, under any and all circumstances and without discrimination or exception of any kind, from the use or threat of use of nuclear weapons against any non-nuclear-weapon State party to the Treaty;

Confirms, in this regard, that all the nuclear-weapon States agree that the Conference on Disarmament should immediately begin negotiations on an internationally legally binding instrument to effectively, unconditionally, non-discriminatorily and irrevocably assure all non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons under all circumstances, and bring those negotiations to a conclusion no later than in 2023.

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Nuclear safeguards standards under the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by the members of the Non-Proliferation and Disarmament Initiative (Australia, Canada, Chile, Germany, Japan, Mexico, Netherlands, Nigeria, Philippines, Poland, Turkey and United Arab Emirates)

1. The Non-Proliferation and Disarmament Initiative considers that effective nuclear safeguards are a crucial element of the non-proliferation commitments made under the Treaty on the Non-Proliferation of Nuclear Weapons. They are, however, also an essential element of a world without nuclear weapons and the conservation of nuclear energy exclusively for peaceful uses. Thus, they help to implement the object and purpose of the Treaty in multiple ways.

2. Shortly after the entry into force of the Non-Proliferation Treaty, the Board of Governors of the International Atomic Energy Agency (IAEA) set up a special committee to draw up the safeguards to be applied in the non-nuclear-weapon States that would join the Treaty. Document INFCIRC/153 (Corrected) is a model agreement that sets out the technical elements that comprehensive safeguards agreements need to contain. A comprehensive safeguards agreement allows IAEA to give credible assurance that no declared material is being diverted for use in nuclear weapons or nuclear explosive devices. The five nuclear-weapon States parties to the Treaty have concluded voluntary offer safeguards agreements under which IAEA applies safeguards to nuclear material in facilities that the States have voluntarily offered and IAEA has selected for the application of safeguards. Safeguards are also implemented in three States that are not parties to the Treaty, India, Israel and Pakistan, on the basis of item-specific agreements that they have concluded with IAEA.

3. In order to provide the Agency with additional tools to verify the absence of undeclared nuclear material and activities in a State, the Model Additional Protocol (INFCIRC/540 (Corrected)) to the three types of safeguards agreements was approved by the IAEA Board of Governors in 1997. The Model Additional Protocol was designed for all States that have concluded any of the three types of safeguards agreements with IAEA. States with comprehensive safeguards agreements that decide to conclude and bring into force additional protocols must accept all provisions of the Model Additional Protocol. States with voluntary offer or item-specific agreements

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may accept and implement those measures of the Model Additional Protocol that they are prepared to accept.

4. The 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasized in its action plan the importance of additional protocols (see actions 28–30). In action 28, the Conference encouraged all States parties that had not yet done so to conclude and to bring into force additional protocols as soon as possible and to implement them provisionally pending their entry into force.

5. Currently, 148 of 191 States parties have signed an additional protocol with the Agency. Of those, 16 States parties still need to ratify their additional protocols. An additional protocol for the European Atomic Energy Community was also signed and ratified.

6. The Non-Proliferation and Disarmament Initiative supports the universal application of additional protocols. The protocol is necessary to ensure not only the non-diversion of declared nuclear material in a State but also the absence of undeclared nuclear material and activities in a State. It is important to make the effectiveness of IAEA safeguards certain through the maintenance of additional protocols by all States parties to the Treaty. This will give IAEA strengthened tools to verify both the correctness and the completeness of State reports.

Safeguards standards under article III, paragraph 1, of the Non-Proliferation Treaty

7. The drafters of the Treaty were clear on the purpose of nuclear safeguards: to prevent the diversion of nuclear material from peaceful uses to nuclear weapons or other nuclear explosive devices. Safeguards should therefore be applied to all nuclear material in a State, whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility, in all peaceful nuclear activities within the territory of such State, under its jurisdiction or carried out under its control anywhere.

8. The drafters of the safeguards provision in the Treaty considered that any safeguards system based on article III, paragraph 1, would have to be dynamic. The relevant discussions in Geneva and New York reflect an awareness that any safeguards system may have to be revised at some point in order to remain effective. This awareness, in turn, is reflected in the preamble to the Treaty, in which support is expressed for research, development and other efforts to further the application, within the framework of the IAEA safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points.

9. The view that safeguards must be adapted and developed in order to remain effective has been confirmed in the consensus outcome documents of Treaty Review Conferences:

(a) The 1975 Review Conference recommended that more attention and fuller support be given to the improvement of safeguards techniques, instrumentation, data-handling and implementation in order, among other things, to ensure optimum cost-effectiveness;

(b) In 1985, the Review Conference emphasized the importance of continued improvements in the effectiveness and efficiency of IAEA safeguards, for example, but not limited to, the expeditious implementation of new instruments and techniques, the further development of methods for evaluation of safeguards effectiveness in combination with safeguards information and continued increases in the efficiency of the use of human and financial resources and of equipment;

(c) In both 2000 and 2010, the Review Conference, in connection to article III, paragraph 1, recommended that IAEA safeguards should be assessed and evaluated regularly. Decisions adopted by the IAEA Board of Governors aimed at further strengthening the effectiveness and improving the efficiency of IAEA safeguards should be supported and implemented. The 2000 Review Conference noted the measures endorsed by the IAEA Board of Governors in June 1995 for strengthening and making more efficient the safeguards system, and noted also that those measures were being implemented pursuant to the existing legal authority conferred upon IAEA by comprehensive safeguards agreements;

(d) The 2000 Review Conference, in the Final Document, explicitly referred to the Model Additional Protocol, fully endorsing the measures contained therein. It noted that the implementation of the measures specified in the Model Additional Protocol would provide, in an effective and efficient manner, increased confidence about the absence of undeclared nuclear material and activities in a State as a whole. With regard to INFCIRC/153 (Corrected), however, the Conference noted that it only provided a limited level of assurance regarding the absence of undeclared nuclear material and activities in a State;

The States parties to the Treaty then recommended, in 2000, that measures to strengthen the effectiveness and improve the efficiency of the safeguards system with a view to providing credible assurance of the non-diversion of nuclear material from declared activities and of the absence of undeclared nuclear material and activities must be implemented by all States parties to the Non-Proliferation Treaty, including the nuclear-weapon States. We believe that this recommendation, in combination with the Conference's other observations, refers to additional protocols;

(e) Actions 28 to 30 of the action plan of the 2010 Review Conference, adopted by consensus, further reinforce the importance of additional protocols for the implementation of article III of the Treaty;

(f) Action 30 of the 2010 action plan deals in particular with the application of safeguards in nuclear-weapon States. The Conference called for the wider application of safeguards to peaceful nuclear facilities in the nuclear-weapon States, under the relevant voluntary offer safeguards agreements, in the most economic and practical way possible, taking into account the availability of IAEA resources, and stressed that comprehensive safeguards and additional protocols should be universally applied once the complete elimination of nuclear weapons has been achieved.

Conclusions

10. Safeguards standards under article III should evolve when necessary in order for them to remain an effective tool for the prevention of the diversion of nuclear material from peaceful uses to nuclear weapons or other nuclear explosive devices. This has been confirmed by States parties to the Treaty at various review conferences and is reflected in the negotiating history of the Treaty. States parties have identified IAEA as the agency that is responsible for such development.

11. At the same time, the Non-Proliferation and Disarmament Initiative considers that review conference documents reflect an understanding that only a comprehensive safeguards agreement with an additional protocol represents a safeguards standard that is adequate for achieving the purpose of nuclear safeguards under article III. The Initiative therefore considers that a comprehensive safeguards agreement with an additional protocol constitutes the current safeguards standard under article III of the Treaty.

12. The Non-Proliferation and Disarmament Initiative welcomes the entry into force of comprehensive safeguards agreements and additional protocols, as well as the development of State-level approaches to the implementation of nuclear safeguards. The Initiative calls upon all States that have not done so to conclude and bring into force both an additional protocol and a comprehensive safeguards agreement. In general, the Initiative recommends that IAEA safeguards should be assessed and evaluated regularly. Decisions adopted by the IAEA Board of Governors aimed at further strengthening the effectiveness and improving the efficiency of IAEA safeguards should be supported and implemented.

13. States parties to the Treaty should discuss ways in which they can support IAEA efforts to increase the number of additional protocols in force, for example, through outreach and by providing assistance or engaging in capacity-building activities where possible. States parties should consider how regional structures and organizations can play a role in this regard.

14. The Non-Proliferation and Disarmament Initiative considers that the application of nuclear safeguards in nuclear-weapon States contributes to the nuclear disarmament process by reflecting the principles of verifiability, irreversibility and transparency. The Initiative recommends that nuclear-weapon States review their voluntary offer agreements with IAEA and strengthen them, for example, by increasing their scope or removing existing caveats.

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Creating the Conditions for Nuclear Disarmament (CCND)

Working paper submitted by the United States of America*

"Nations do not mistrust each other because they are armed; they are armed because they mistrust each other."

— President Ronald W. Reagan

Introduction

1. The international community has struggled for decades with the problem of how to achieve the total elimination of nuclear weapons. While we have made great progress, the long-term goal — a goal which the United States continues to support — remains elusive. If we continue to focus on numerical reductions and the immediate abolition of nuclear weapons, without addressing the real underlying security concerns that led to their production in the first place, and to their retention, we will advance neither the cause of disarmament nor the cause of enhanced collective international security.

2. To get the international community past the sterility of such discourse, the United States seeks a more meaningful and realistic dialogue, one that has a genuine prospect of moving us toward the nuclear weapons-free world we collectively seek. Such a dialogue would address those underlying security concerns that have made the retention of nuclear weapons necessary to forestall major power conflict and maintain strategic stability. This engagement is very important, because continuing to focus on numbers of weapons apart from their underlying rationale risks states talking past each other even as nuclear arsenals remain or, in some cases, expand. Our goal is progress, not rhetoric or simply virtue-signalling; so for us, the choice of a constructive dialogue is clear.

3. The United States previously has spoken in broad terms of the need to create the conditions conducive for further nuclear disarmament. This working paper seeks to lay out some of the discrete tasks that would need to be accomplished for such conditions to exist. It is not intended to be a "roadmap," identifying a particular order for such tasks to be accomplished, nor is it meant to be an exhaustive list of all needed actions. Nor is it meant to suggest that no further movement toward disarmament could possibly occur before every issue raised herein has been fully and conclusively addressed. Rather, it is meant to foster a thematic dialogue of the improvements that all states must work together to accomplish if nuclear disarmament is to have a future.

* The present document is being issued without formal editing.

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While this paper is intended to contribute to the NPT review process, the ideas it presents and the work it lays out do not apply solely to NPT Parties but also to the broader international system, including NPT non-Parties.

The International Security Environment

4. Most, if not all, nations aspire to live in a more peaceful, stable, and prosperous world — a world in which states feel secure within their borders, unthreatened by their neighbors. This would be a world in which the relationships between nations, especially major powers, are not driven by assumptions of zero-sum geopolitical competition, but are instead cooperative and free of conflict. This would be a world in which nuclear deterrence is no longer considered necessary as the ultimate guarantee of security.

5. But that world is not simply today's troubled world absent nuclear weapons. It will only be possible when a fundamental shift in the geopolitical landscape has brought about security conditions in which all states conclude, based on their own sovereign threat perceptions, that nuclear weapons are no longer required. That will, of course, be a very long process. In the interim, progress in improving the international security environment can enable further progress on reducing the role and numbers of nuclear weapons throughout the world. That is the lesson of history.

6. All states base their national security decisions on perceptions of present or future geopolitical threats to themselves and their core interests. This basic principle of international relations applies in particular to nuclear disarmament more than in any other area. Disarmament does not and cannot take place in a vacuum; its availability, direction, and pace depend upon the prevailing international security environment. The ending of the nuclear arms race in the closing years of the Cold War was possible as a result of the shifting environment of that era; likewise, the reductions in the years following the Cold War were also made possible by significant improvement in that security environment. Both of these time periods yielded significant progress in reducing nuclear dangers precisely because leaders heeded and responded to improvements in the prevailing security conditions.

Nuclear Deterrence and Strategic Stability

7. Nuclear deterrence, including extended nuclear deterrence, continues to play a central role in ensuring the global stability and security from which all states benefit. And stability in all its forms — economic, social, strategic — contributes to confidence and security in ways that allow states to pursue disarmament. Each state's approach to deterrence and disarmament is shaped by all the factors that affect its perception of its interests and the threats to those interests. This does not mean that nuclear arsenals cannot be further reduced until all conditions are perfect. Rather, it means that states are more likely to conclude that disarming is consistent with their national security interests if they are confident that international tension is decreasing and that progress on disarmament will not be destabilizing. And, assuming there is no single miraculous leap from where we are today to some kind of nuclear "zero," it also means that we will need to address how stability is maintained at very low numbers of nuclear weapons, a situation we have not dealt with since the period immediately following the Second World War — and one for which there is as yet no precedent for successfully preventing a full-fledged arms race between rival powers.

Articulating a New Way Forward: The CCND Approach

8. All NPT Parties bear responsibility for working together to improve the geopolitical environment and create the conditions for nuclear disarmament — that is, to take the "CCND Approach," as we have begun referring to it. This new approach

to disarmament diplomacy envisions all NPT Parties contributing to efforts to ameliorate conflicts and rivalries that lead to the continued reliance on nuclear weapons and nuclear deterrence. This approach will require a new focus on the development of measures across the complete spectrum of commitments under the NPT and beyond that create the conditions for future nuclear disarmament negotiations. The Preamble of the NPT refers to the "easing of international tension and the strengthening of trust between states in order to facilitate" disarmament. This concept of easing tension between and among states, including through effective measures that build trust and confidence, is the necessary starting point for fostering the conditions for nuclear disarmament, in accordance with Article VI of the NPT. Accordingly, we offer below some international security conditions that we believe would likely need to be achieved through specific actions and effective measures in order to facilitate the pursuit of a nuclear weapons-free world.

Reducing Regional Tensions and Conflicts

9. In today's world, the most pressing goal for the international community is North Korea's complete, verifiable, and irreversible abandonment of its nuclear weapons program, including its production of fissile material, and the rolling back of its ballistic missile threats. It will also be necessary to ensure Iran's verified compliance with its nuclear non-proliferation obligations and ensure that it is never again able to position itself dangerously close to nuclear weaponization. Without a renewed, demonstrated commitment by all states — and in particular certain nuclear-weapon States (NWS) — to respect the sovereignty, independence, and territorial integrity of their neighbors, other nations will continue to seek nuclear deterrence, either through their own nuclear arsenals or through a reliance on alliances with a NWS.

10. Importantly, states make determinations about their deterrence and defense requirements based on their perceptions of the regional security environment they face. Unfortunately, there are numerous, clear examples of regional conflict and tension that contribute to states' perceptions that they require a nuclear deterrent. Failing to address these tensions will not advance prospects for universalization of the NPT. As another vital improvement to the global security situation, all nations, without exception, should renounce terrorism as an instrument of their foreign policies, and recognize the State of Israel's right to exist. As another example, the achievement of a Middle East Weapons of Mass Destruction Free Zone remains a priority for many states, but it can only occur through direct dialog among all the states of the region and on the basis of arrangements freely arrived at among the states of the region.

Non-Proliferation

11. The NPT is the cornerstone of the global nuclear non-proliferation regime, and non-proliferation is the cornerstone of the NPT. Neither meaningful international nuclear cooperation nor disarmament could succeed in the absence of strong non-proliferation guarantees. If we wish possessor states to conclude that they will remain secure without nuclear weapons, and thus disarmament is possible, they must have confidence that no other states will develop such weapons. Full compliance with IAEA safeguards, including adherence to the Additional Protocol as the de facto standard for verifying that NPT safeguards obligations are being met, also remains a critical component of global non-proliferation efforts and contributor to the likelihood of disarmament.

Disarmament

12. A moratorium on the production of fissile material for use in nuclear weapons or other nuclear explosive devices by all countries possessing nuclear weapons is also an essential step. The international community has focused on the commencement of negotiations on a treaty banning production of fissile material for use in nuclear weapons. However, those efforts have failed due to one fact alone — some particular states feel they need more such material, or at least, are not prepared to forego that option as they build their nuclear arsenals. An essential condition of any negotiation will be the willingness of all states to end such production; once that is achieved, concluding a treaty should be possible.

13. Similarly, halting the further increase in nuclear arsenals of all states that possess such weapons would serve to create confidence that could lead to progress on the reduction of arsenals. Although the United States has reduced its nuclear arsenal by more than 88 percent since its Cold War peak, others have moved in the opposite direction. Russia, China, and North Korea are currently increasing their stockpiles and diversifying their capabilities, engaging in nuclear and ballistic missile testing, increasing the prominence of nuclear weapons in their security strategies, and — in some cases — pursuing the development of new nuclear capabilities to threaten other nations. Nuclear stockpiles and capabilities are also expanding elsewhere in Asia in ways hardly consistent with giving nuclear disarmament a viable future.

14. Finally, improving transparency about nuclear policies, plans, and doctrines would be a critical confidence-building measure for further negotiated nuclear weapons reductions. As the 2018 U.S. Nuclear Posture Review notes, "Arms control efforts must now emphasize confidence and security building measures to rebuild trust and communication. We are prepared to consider arms control opportunities that return parties to predictability and transparency and remain receptive to future arms control negotiations if conditions permit and the potential outcome improves the security of the United States and its allies and partners."

Verification

15. An essential element of efforts to create the conditions for future nuclear disarmament will be ensuring that we have the capability and capacity to verify any potential reductions. For eventual global nuclear disarmament to become a reality, all states, including nuclear weapons possessors, will be required to submit to credible, effective, and timely verification. We will need to work together to ensure that we have the technologies, capabilities, and experience to carry out the verification measures that would be necessary, as well as to ensure that the international community responds swiftly and decisively to any noncompliance.

Compliance

16. Compliance by the NWS with all of their existing and future treaty obligations — and the tools and political will to address instances of noncompliance — is a necessary foundation for nuclear disarmament, as is compliance by non-nuclear weapons states with their non-proliferation obligations. However, even a clear prohibition of nuclear weapons, coupled with a detailed plan for their elimination and robust verification provisions, may not be enough, unless the international community can reliably face the challenge of compliance enforcement. Indeed, this is not just a challenge at the point of abolition. Maintaining stability even at lower numbers of nuclear weapons will require high levels of confidence that all states are complying with their commitments and that noncompliance will be addressed effectively. Recent violations of treaty obligations and the apparent lack of will to address concerns, however, undermines that confidence.

17. Today, compliance problems shadow the prospects for disarmament — and not merely because Russia continues to violate the Intermediate-Range Nuclear Forces Treaty. This is also a problem with regard to the Chemical Weapons Convention (CWC). The CWC was designed to ban, eliminate, and verify the destruction of chemical weapons, all in one agreement — the first time the international community ever attempted to do all this with a category of weapons of mass destruction. Regrettably, however, we have seen an erosion of the international norm against chemical weapons use — largely with impunity — as well as concerted efforts by some states to undermine the efficacy and credibility of the institutions of transparency and accountability upon which the international community relies to ensure that such disarmament regimes succeed. If we are to achieve the goal of a world without nuclear weapons, the international community must rededicate itself to ensuring compliance, including through effective enforcement measures.

Peaceful Uses of Nuclear Energy and Nuclear Security

18. Another challenge to the stability of a world without nuclear weapons is ensuring that nuclear technology transferred, acquired, or developed for peaceful purposes is not diverted or misused to produce or develop nuclear weapons. The NPT provides a foundation for cooperation in the field of peaceful nuclear energy, recognizing the potential for nuclear and non-nuclear applications to vastly improve quality of life around the world. However, in order to create conditions for nuclear disarmament negotiations, it is essential to manage and minimize the risk inherent to some degree in all nuclear technology. To this end, we have achieved broad consensus on constraining the most sensitive stages of the nuclear fuel cycle and minimizing the civilian use of weapons-usable nuclear material.

19. However, that consensus is in danger of eroding. Since the NPT entered into force, the major suppliers of nuclear technology have adopted a set of standards for legitimate commerce that reduce this risk and facilitate legitimate nuclear trade by ensuring a level foundation of non-proliferation principles. This foundation is dependent, however, on the continued viability of a diverse and stable market for nuclear goods and services. As states pursue unconstrained access to nuclear technology, the pressure to disregard vital non-proliferation principles in connection with supply of the most sensitive aspects of the fuel cycle — and failure to insist upon the highest safeguards standards, including the IAEA Additional Protocol, in all civil nuclear cooperation projects — undermines the non-proliferation regime, eroding confidence that the Article IV nuclear cooperation architecture is capable of functioning in ways consistent with non-proliferation imperatives, and thus potentially threatening that architecture as well as making the eventual achievement of nuclear disarmament less likely.

Conclusion

20. All nations can and should work to create the conditions essential for nuclear disarmament. Doing so will help to fashion a world in which nuclear weapons are no longer necessary to deter aggression and maintain global strategic stability. As we seek this lofty objective, to which the NPT has made an immeasurable contribution over the last 50 years, the United States looks forward to engaging with all States Party on these important issues.

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Establishment of a nuclear-weapon-free zone in the Middle East

Working paper submitted by the Islamic Republic of Iran

1. To achieve the objective of nuclear disarmament and to establish a world free from nuclear weapons, all nuclear weapons must be eliminated. On this basis, the establishment of nuclear-weapon-free zones, pursuant to article VII of the Treaty on the Non-Proliferation of Nuclear Weapons, is not a substitute for the fulfilment of the legal obligations of the nuclear-weapon States under article VI of the Treaty and their unequivocal undertakings to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament. The Islamic Republic of Iran, while supporting efforts to establish such zones, shares the conviction that such zones are not an end in themselves but rather a means for contributing to the nuclear non-proliferation objective and enhancing global and regional peace and security.

2. The Islamic Republic of Iran attaches great importance to, and strongly supports, the establishment of a nuclear-weapon-free zone in the Middle East, an initiative which was originally presented by Iran in 1974. Consistent with this principled position, Iran has already taken various practical steps aimed at making progress towards, inter alia, the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction, in particular by accession to all the international instruments banning the weapons of mass destruction.

3. The Islamic Republic of Iran is a party to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (1925 Geneva Protocol), the Non-Proliferation Treaty, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (Biological Weapons Convention) and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention) and a signatory to the Comprehensive Nuclear-Test-Ban Treaty, and has placed all its nuclear facilities and activities under the safeguards of the International Atomic Energy Agency (IAEA). Such a high record of accession testifies to the strong commitment of the Islamic Republic of Iran to achieving the objective of the prohibition of the development, production, stockpiling, use or threat

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of use of weapons of mass destruction, in the Middle East in particular and at the global level in general.

4. The adoption, by the 1995 Review and Extension Conference of the Parties to the Non-Proliferation Treaty, of the resolution on the Middle East, as an essential and integral element of the outcome of the 1995 Conference and of the basis on which the Treaty was indefinitely extended without a vote in 1995, marks a turning point in advancing the proposal for the establishment of a nuclear-weapon-free zone in the Middle East. The Islamic Republic of Iran has always supported and called for the speedy implementation of this resolution and the full realization of its goals and objectives. Similarly, on the same grounds, Iran supported the adoption, in 2010, of a plan of action on the implementation of the 1995 resolution on the Middle East.

5. The Islamic Republic of Iran expresses its deepest concern over the persistent and long delay in the implementation of the 1995 resolution and the lack of any progress in the implementation of the respective plan of action of the 2010 Review Conference. Iran stresses that, as reaffirmed by the successive review conferences since 1995, the resolution remains valid until its goals and objectives are achieved. This, without doubt, is the individual and collective responsibility of all States parties to the Treaty, in particular the nuclear-weapon States, especially the three depositary States of the Treaty that co-sponsored the 1995 resolution on the Middle East. It should be recalled that the conclusions and recommendations for follow-on actions of the 2010 Review Conference had clearly stipulated that "the States parties renew their resolve to undertake, individually and collectively, all necessary measures aimed at its prompt implementation."

6. The adoption of the 2010 plan of action on the implementation of the 1995 resolution on the Middle East, which called for the convening of a conference in 2012 on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, taking the 1995 resolution as its terms of reference, although very late, was indeed the right decision in the right direction. Iran supported the adoption of that plan of action and called for its timely implementation. In addition to conducting several rounds of consultations with the facilitator of the conference, on 6 November 2012, Iran officially declared its decision to participate in that conference, which had been scheduled to be held in December 2012 in Helsinki.

7. However, not only was the 2010 plan of action on the implementation of the 1995 resolution on the Middle East not implemented and, consequently, the 2012 conference not convened, but in addition, the 2015 Review Conference was unable to reach an agreement on its outcome document as a result of the objection of only the United States of America, the United Kingdom of Great Britain and Northern Ireland and Canada to a decision contained therein on the implementation of the 2010 plan of action on the Middle East.

8. Now, 23 years after the adoption of the 1995 resolution on the Middle East and eight years after the adoption of the 2010 action plan for the implementation of that resolution, and despite the strong support of the overwhelming majority of the States parties, as well as the efforts by Iran and all Arab countries in the region for their implementation, there are valid questions: why were they not implemented, and why have all efforts under the 2005 and 2015 Review Conferences for their implementation failed? The answer is clear: the Israeli regime, which is the only non-party to the Treaty and also the only possessor of nuclear weapons in the region, is the main obstacle to the establishment of such a zone. In addition, in practice, certain parties to the Treaty, by representing the Israeli regime in the review conferences, object to decisions on the actual realization of this zone. One day after the conclusion of the 2010 Review Conference, the Israeli regime, in its statement dated 29 May 2010, rejected outright the Final Document of that Conference as

"deeply flawed" and stated that "Israel will not be able to take part in its implementation."

9. The Final Document of the 2010 Review Conference called on all States to refrain from undertaking any measures that preclude the achievement of the objective of the 1995 resolution on the Middle East. However, the United States, as one of the co-sponsors of the 1995 resolution and as one of the co-conveners of the 2012 conference, by supporting the obstructive positions of the Israeli regime and setting preconditions for the implementation of the 2010 action plan, acted as a stumbling block in the way of convening the 2012 conference and, on 23 November 2012, unilaterally announced that the conference could not be convened and that it would not support a conference in which Israel would be subject to pressure or isolation. This unilateral decision of the United States was wholly inconsistent with its declaratory commitment to the implementation of the 1995 resolution on the Middle East.

10. Subsequently, during the 2015 Review Conference, Israeli officials expressed concern over taking any decision by the Conference "to force Israel to come clean on its nuclear capabilities" as an essential step towards establishing a nuclear-weapon-free zone in the Middle East. In order to avoid that, Israel placed the United States under pressure to block such a decision. When the United States, along with the United Kingdom and Canada, objected to the outcome document of the Conference, which contained a decision on the implementation of the 1995 resolution and the 2010 action plan on the Middle East, the Prime Minister of Israel thanked the United States President for such action.

11. But why was the Israeli regime not willing to support the establishment of a nuclear-weapon-free zone in the Middle East and why is it still not willing to do so? First and foremost, because this regime possesses nuclear weapons and other weapons of mass destruction, and the establishment of a nuclear-weapon-free zone in the Middle East requires the prompt and unconditional accession of Israel, as a non-nuclear weapon party, to the Non-Proliferation Treaty, renouncing possession of nuclear weapons and placing all of its clandestine nuclear activities and facilities under the IAEA comprehensive safeguards.

12. Moreover, a short look at the practices of the Israeli regime in the Middle East and its records in the fields of disarmament and international security provides a clear picture of the seriousness of the security threat posed by this regime against the peace and security of the States parties to the Treaty in the Middle East. It also proves, once again, how essential and urgent the establishment of a Middle East zone free of nuclear and all other weapons of mass destruction is for the maintenance of peace and security in the region and beyond. That record includes, but is not limited to, the following: since its inception, the Israeli regime has waged 17 wars, which means 1 war almost every four years; committed aggression against all of its neighbours, without exception; even attacked several other non-neighbouring countries in the region and beyond; attacked, in 1981, the peaceful nuclear installations of a State party to the Treaty in the Middle East (in this case, the Security Council strongly condemned the military attack by Israel as a clear violation of the Charter of the United Nations and the norms of international conduct); threatened to attack the peaceful nuclear facilities of States parties to the Treaty in the region that are under IAEA safeguards; still has under occupation the territories of several neighbouring countries, as it is called, in United Nations resolutions, the "occupying Power"; is not party to the Non-Proliferation Treaty or any other international instrument banning weapons of mass destruction, in defiance of repeated calls, including by the Security Council, the General Assembly, the General Conference of IAEA, the review conferences of the parties to the Non-Proliferation Treaty, the summit and ministerial conferences of the Non-Aligned Movement and the Organization of Islamic

Cooperation; and is the only possessor of all types of weapons of mass destruction, including hundreds of nuclear warheads, in the Middle East region.

13. In addition, such realities make it completely clear that the only way to establish a nuclear-weapon-free zone in the Middle East is for the international community to exert and maintain sustained pressure on the Israeli regime to compel it to accede, promptly and unconditionally, as a non-nuclear weapon party to the Non-Proliferation Treaty, and to place all of its nuclear activities and installations under the full-scope IAEA safeguards. This approach was acknowledged by the 2000 and 2010 Review Conferences, which reaffirmed "the importance of Israel's accession to the Non-Proliferation Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East".

14. In this context, Iran invites the 2020 Review Conference to establish a subsidiary body under its Main Committee II to consider the urgent implementation of the 1995 resolution and the 2010 plan of action on the Middle East and, building upon past experience, agree on concrete steps for their speedy implementation.

15. Iran also proposes the following elements for inclusion in the Final Document of the 2020 Review Conference:

Noting the consensus reached by the General Assembly since its thirty-fifth session that the establishment of a nuclear-weapon-free zone in the region of the Middle East would greatly enhance international peace and security;

Expressing concern about the lack of progress towards the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty, as well as the action plan on the Middle East adopted at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

Reaffirming the urgent need for the prompt and full implementation of the 1995 resolution and the 2010 plan of action on the Middle East;

Reiterating the firm commitment of all States parties to the Treaty, and in particular the nuclear-weapon States, to undertake all necessary measures aimed at the prompt and full implementation of the 1995 resolution and the 2010 plan of action on the Middle East and to extend their cooperation in this regard;

Emphasizing the essential role of the United Nations in the establishment of a nuclear-weapon-free zone in the Middle East;

Expressing serious concern about the continued existence in the Middle East of unsafeguarded nuclear facilities, as well as the threat posed by the proliferation of nuclear weapons to the security and stability of the Middle East region;

Expressing deepest concern over the fact that the refusal of Israel is the main obstacle to the implementation of the 1995 resolution and the 2010 plan of action on the Middle East;

Reaffirming the importance of the accession of Israel to the Non-Proliferation Treaty without further delay and the placement of all of its nuclear activities and facilities under the comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East;

Calling upon Israel to renounce possession of nuclear weapons and to place all its unsafeguarded nuclear facilities under full-scope IAEA safeguards as an important confidence-building measure among all States of the region and as a step towards enhancing peace and security;

Deciding to establish a standing committee, comprising the members of its Bureau to follow up on the implementation of the recommendations of the Review Conference concerning the prompt accession of Israel to the Non-Proliferation Treaty and the placement of all of its nuclear activities and facilities under the full-scope IAEA safeguards, and to report to the 2025 Review Conference and its Preparatory Committee meetings;

Reaffirming the commitment of all States parties to the effective prohibition of the transfer of all nuclear-related equipment, information, materials and facilities, resources or devices and the extension of know-how or any kind of assistance in the nuclear, scientific or technological fields to Israel so long as it remains a non-party to the Treaty and has not placed all of its nuclear activities and facilities under the full-scope IAEA safeguards.

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Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Nuclear issues

Working paper submitted by China

1. The Chinese delegation submitted five working papers to the first session of the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, respectively on security assurances against the use or threat of use of nuclear weapons, peaceful uses of nuclear energy, nuclear-weapon-free zones and nuclear issues in the Middle East, non-proliferation of nuclear weapons, and nuclear disarmament and reducing the danger of nuclear war (NPT/CONF.2020/PC.I/WP.32, NPT/CONF.2020/PC.I/WP.33, NPT/CONF.2020/PC.I/WP.34, NPT/CONF.2020/PC.I/WP.35 and NPT/CONF.2020/PC.I/WP.36), which comprehensively elaborated China's principal views on related issues. On that basis, the Chinese delegation would like to emphasize the following aspects:

(a) The international community should cultivate the awareness of a community of shared future for the security of mankind, stick to multilateralism in the field of security and promote the building of an open, inclusive, clean and beautiful world that enjoys lasting peace, universal security and common prosperity;

(b) All countries should discard the cold war mentality and zero-sum thinking, advocate and pursue common, comprehensive, cooperative and sustainable security and be committed to resolving differences through consultation and settling disputes through dialogue;

(c) Countries should respect the role of the Treaty on the Non-Proliferation of Nuclear Weapons as the cornerstone of the international nuclear non-proliferation and nuclear disarmament regime, promote its three pillars in a comprehensive and balanced manner and maintain and strengthen the authority, universality and effectiveness of the Treaty by opposing double standards and pragmatism. Countries that have not yet acceded to the Treaty should unconditionally do so as non-nuclear-weapon States at an early date.

I. Nuclear non-proliferation

2. The root causes of the proliferation of nuclear weapons are complex. International efforts should be made to address both symptoms and root causes of

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nuclear proliferation through a holistic approach. Firstly, countries should strive to achieve universal security and eliminate root causes of nuclear proliferation. Secondly, countries should stick to the peaceful settlement of nuclear proliferation issues through political and diplomatic means. Thirdly, countries should abandon double standards and pragmatism and uphold the authority of the nuclear non-proliferation regime and continuously reinforce its impartiality, rationality and non-discrimination. Fourthly, countries should handle the relationship between nuclear non-proliferation and peaceful uses of nuclear energy in a fair and balanced manner.

3. The Joint Comprehensive Plan of Action on the Iranian nuclear issue is a model for preventing nuclear proliferation through political and diplomatic means. To ensure the faithful and long-term implementation of the Plan of Action is of great significance for strengthening the international nuclear non-proliferation regime and promoting peace and stability in the Middle East. Recently, the Plan of Action has been facing increased uncertainty. With the aim of maintaining overall benefits of the international nuclear non-proliferation regime, all relevant parties should manage and resolve disputes through dialogues and consultations so as to maintain the integrity and credibility of the Plan of Action.

4. To promote the denuclearization of the Korean Peninsula serves the security interests of the region and the world at large. Currently, the situation on the Peninsula has witnessed a hard-won relaxation. All parties involved should seize the opportunity and move in the same direction. They should follow the "dual-track approach" by promoting denuclearization and the establishment of a peace mechanism in the Peninsula simultaneously in order to forge a future featuring lasting peace and stability.

5. The safeguards of the International Atomic Energy Agency (IAEA) are an important component of the international nuclear non-proliferation regime. All parties should support IAEA to constantly improve in an impartial, objective and transparent manner the efficiency and effectiveness of safeguards.

6. The establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction relates not only to peace and stability in the region, but also the authority of the review process of the Non-Proliferation Treaty. In this regard, all relevant parties are encouraged to take flexible and practical measures to strive to break the deadlock and convene the postponed international conference on this issue at an early date.

II. Nuclear disarmament

7. The international community should pay attention to strategic issues that may have a negative impact on nuclear disarmament. Development or deployment of global missile defence systems should be stopped and abandoned immediately. Besides, all States should work together to prevent the weaponization of and an arms race in outer space, prevent the high-tech arms race from aggravating the international strategic imbalance, maintain the global strategic balance and stability and create an international security environment necessary for nuclear disarmament.

8. Nuclear-weapon States should concretely undertake their responsibilities, be committed to the ultimately complete prohibition and thorough destruction of nuclear weapons, faithfully fulfil their nuclear disarmament obligations under Article VI of the Non-Proliferation Treaty and publicly commit not to seek permanent possession of nuclear weapons. Nuclear-weapon States should reduce the role of nuclear weapons in national security doctrines, abandon the nuclear deterrence policy based

on first use of nuclear weapons and abandon the policy and practice of the nuclear umbrella and the practice of nuclear sharing. Nuclear-weapon States should continue to observe their moratoriums on nuclear tests, refrain from researching or developing new types of nuclear weapons and stop deploying nuclear weapons abroad. Nuclear-weapon States should honour their commitments not to target their nuclear weapons at any countries and explicitly undertake unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones. They should support the negotiation and conclusion of international legal instruments on the issues of negative security assurances and no-first-use of nuclear weapons. Nuclear-weapon States should take all steps necessary to avoid accidental or unauthorized launches of nuclear weapons and ensure the security of facilities related to nuclear weapons. States possessing the largest nuclear arsenals bear special and primary responsibility for nuclear disarmament and should take the lead in substantially reducing those nuclear arsenals in a verifiable, irreversible and legally binding manner.

9. Nuclear disarmament should follow the principles of "maintaining global strategic stability" and "undiminished security for all" and be pursued in a step-by-step manner within existing disarmament negotiation mechanisms. The Comprehensive Nuclear-Test-Ban Treaty is an important step in the nuclear disarmament process. All signatory States should strengthen their political and financial support to it. Recently, a batch of International Monitoring System monitoring stations in China has been certified by the Provisional Technical Secretariat, which reflects China's firm support to the Treaty. The Conference on Disarmament is the sole appropriate forum for the negotiation of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. The high-level fissile material cut-off treaty expert preparatory group should proceed in strict accordance with its mandate, defined in General Assembly resolution 71/259, so as to ensure that its outcome would be conducive to the authority of the Conference on Disarmament. Nuclear disarmament verification involves sensitive information on nuclear weapons. Related research and discussion on this issue should not hamper the security interests of nuclear-weapon States, and strict non-proliferation measures should be adopted therein.

III. Peaceful uses of nuclear energy

10. Nuclear energy is of great importance in ensuring energy security, mitigating climate change and achieving sustainable development. The peaceful use of nuclear energy is an inalienable right of the States parties to the Non-Proliferation Treaty. Efforts to prevent the proliferation of nuclear weapons should not undermine the legitimate rights of States parties, particularly developing countries, to the peaceful use of nuclear energy. China will continue to steadily advance nuclear power construction, build up a clean and safe, low-carbon and highly efficient modern energy mix and promote the development of nuclear energy in the whole world.

11. Safety and security are basic prerequisites for the development and utilization of nuclear energy. The international community should adhere to the rational, coordinated and progressive nuclear security concept and step up political input, national responsibility, international cooperation and nuclear security culture. China has always attached great importance to nuclear safety and has carried the Nuclear Safety Law into effect since January 2018. China will continue to ensure the safe and reliable operation of nuclear facilities through effective regulation and scientific management.

12. China actively promotes international cooperation on nuclear safety and security and advocates the cause of peaceful uses of nuclear energy. In March 2018, China hosted the fifth Asia-Europe Meeting seminar on nuclear safety in order to promote nuclear safety cooperation and boost green growth in Asia and Europe. In April 2018, China and the United States of America jointly hosted the Nuclear Security Contact Group workshop on regional capacity-building and cooperation with the aim of promoting regional cooperation on nuclear security capacity-building and constructing a nuclear security capacity-building network. China attaches great importance to international cooperation on peaceful uses of nuclear energy and stands ready to work with all States parties to make the whole world enjoy the benefit of nuclear energy.

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Establishing Regional Conditions Conducive to a Middle East Free of Weapons of Mass Destruction and Delivery Systems

Working paper submitted by the United States of America*

Introduction

1. The United States has long supported efforts to advance the establishment of a zone free of weapons of mass destruction (WMD) and delivery systems in the Middle East, in the context of a comprehensive and durable regional peace and compliance by all regional states with their respective arms control and nonproliferation obligations. To this end, and consistent with our strong and enduring commitment to regional security, the United States co-sponsored a Resolution on the Middle East at the 1995 Review and Extension Conference, along with the United Kingdom of Great Britain and Northern Ireland and the Russian Federation. The United States remains fully committed to the goals of the 1995 Resolution and to doing our utmost, alongside all other Parties to the Treaty, to support the regional states in undertaking practical steps to advance its full implementation.

2. Regrettably, efforts to make progress in implementing the 1995 Resolution have been hampered by conceptual differences among the regional states regarding establishing such a zone and the unwillingness of some regional states to constructively address those differences. Rather than addressing these issues directly with their regional neighbors, some regional states have sought to use the NPT review cycle as a way to force action, including by trying to impose conditions that could not garner consensus among regional states. Such efforts are mistaken and unproductive, as they put at risk the shared security benefits that the Treaty has provided to all parties — including those in the Middle East — and call into question the future sustainability of those benefits absent progress in addressing longstanding political and security challenges in one region of the world. This approach has proven detrimental to both the NPT review process and the goal of establishing a WMD-free zone in the Middle East, as it has impeded efforts to strengthen the implementation of the Treaty across areas of common interest; sought to shift responsibility for implementing the 1995 Resolution from the regional states to parties outside the region; and undermined mutual confidence among regional states.

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3. The United States remains convinced that the task of creating a WMD-free zone in the Middle East — or any other region of the world — is fundamentally a regional task that must be pursued by the regional states concerned in a cooperative and pragmatic manner, through direct, inclusive, and consensus-based dialogue. This approach is consistent with the 1999 United Nations Disarmament Commission guidelines concerning nuclear weapon free zones, which stipulate that the initiative to establish such zones should emanate exclusively from the region concerned and be pursued on the basis of arrangements freely arrived at by all the regional states. This paper outlines U.S. efforts to support direct regional dialogue toward a Middle East WMD-free zone since the 2010 Review Conference, discusses political and security obstacles impeding progress to date, and provides U.S. recommendations on next steps.

Looking Back: U.S. Efforts, 2010–Present

4. As a practical measure to support direct dialogue between the regional states, the United States joined consensus on the recommendations on the Middle East outlined in the 2010 NPT Review Conference Final Document, including the call for the United States to work with the United Kingdom, Russia, and the United Nations Secretary General to convene an international conference in 2012 on the establishment of a Middle East WMD-free zone to be attended by all the regional states on the basis of arrangements freely arrived at by the states of the region. In accepting this responsibility, the United States took the requirements in the 2010 Final Document seriously and worked to convene a conference that would allow for participation by all regional states on the basis of arrangements agreed by consensus, hoping and assuming that the regional states would approach such a conference in good faith and a spirit of constructive dialogue and engagement.

5. During the 2010–2015 review cycle, the United States undertook extensive diplomatic efforts in cooperation with the United Kingdom, Russia, the United Nations, and the appointed Conference Facilitator, Ambassador Jaako Laajava of Finland, to promote dialogue among the regional states on an agenda and modalities for the proposed conference. These efforts culminated in five rounds of multilateral consultations that took place in Switzerland between October 2013 and June 2014. The meetings were well attended by the regional states. All parties agreed that the consultations would operate by consensus decision-making. Despite the good faith efforts of many involved, however, the regional states were unable to reach agreement on mutually acceptable arrangements for a conference due to conceptual differences regarding the agenda for the conference. Regrettably, efforts to bridge the difference in views were suspended in early 2015 after the Arab League Senior Officials Committee declined multiple invitations and requests for dates from the Facilitator to further rounds of consultations. As a result, the conveners were unable to convene a conference that met the requirements outlined in the 2010 Final Document.

6. Unfortunately, rather than working in good faith at the 2015 Review Conference toward a mutually acceptable way ahead, some Arab League states sought instead to impose a proposal that would have mandated the United Nations Secretary General to convene the proposed conference on an arbitrary timeline, and in the absence of the crucial element of consensus among the regional states on conference arrangements. The United States made clear from the outset of the 2015 Review Conference that it would not support any proposals regarding a Middle East WMD-free zone that lacked the consent of all the regional states concerned. The Review Conference President was well aware of the U.S. position, but decided nonetheless to incorporate the Arab proposal into the draft Final Document, forcing several states, including the United States, to break consensus on the adoption of that draft. As a result of the Arab initiative and the Review Conference President's ill-considered

adoption of it notwithstanding its contradiction of the principles set forth in the 2010 Final Document that arrangements should be freely arrived at by the regional states, no agreement was possible on the Final Document for the 2015 Review Conference.

7. Since the 2015 Review Conference, the United States has remained actively engaged with the regional states, and has repeatedly reaffirmed its commitment to the long-term goal of a Middle East WMD-free zone. In January 2017, the United States met with the Arab League's Council of Wise Persons — alongside the United Kingdom, Russia, and the United Nations. We have continued to meet periodically with Russia and the United Kingdom to discuss opportunities for progress on the issue.

Impediments to Progress: Political and Security Obstacles in the Region

8. Efforts to promote dialogue on a Middle East WMD-free zone during the 2010–2015 NPT review cycle illustrated the limitations of focusing on procedural matters without addressing underlying regional political and security realities. The establishment of a zone free of all weapons of mass destruction and delivery systems has not been achieved in any geographic region of the world, and would constitute the most all-encompassing regional arms control arrangement in history. Creating such a zone in the Middle East region, in particular, would require overcoming a unique set of political and security challenges that have long impeded regional arms control efforts. Future approaches that ignore or minimize these real-world barriers to progress are similarly unlikely to be successful. In particular, the Middle East faces several principal challenges:

(a) **Lack of trust among the region states:** First and foremost, the Middle East region suffers from a persistent and well-documented lack of trust among the regional states, owing from decades of instability, armed conflict, and politically-motivated division. Efforts to build trust and confidence in the region are significantly complicated by the refusal of a number of regional states to recognize and engage Israel as a sovereign state and proclivity to instead pursue divisive actions to isolate Israel wherever possible. Nor is this lack of trust limited to regional states' non-recognition of Israel. The region also suffers from other substantial political and security divisions that have led to frequent and ongoing armed conflicts among the regional states.

(b) **Noncompliance in the region:** The lack of trust in the region is further exacerbated by a legacy of persistent and ongoing noncompliance in the region with WMD-related obligations. Over the course of recent decades, a number of regional states — including Iraq, Iran, Libya, and Syria — have all pursued undeclared weapons of mass destruction programs and activities in violation of arms control obligations. In some cases, such as Syria, this noncompliance remains ongoing. Nearly five years after acceding to the Chemical Weapons Convention (CWC), Syria continues to possess and use chemical weapons in deplorable and unconscionable atrocities against the Syrian people. Almost seven years after the International Atomic Energy Agency (IAEA) Board of Governors found Syria to be in noncompliance with its safeguards agreement for the clandestine construction of an undeclared plutonium production reactor in cooperation with the Democratic People's Republic of Korea — and more than ten years after that reactor first came to light — Syria has failed to cooperate with the IAEA to remedy its NPT and IAEA safeguards noncompliance. The prevalence of ongoing cases of noncompliance in the region has led some regional states to question the utility of pursuing regional arms control.

(c) **Regional security challenges:** The Middle East region also remains beset by a host of conventional security challenges that have bearing on regional states' security perceptions in working toward a WMD-free zone. These include, inter alia, ongoing military conflict among regional states and proxy groups, widespread political instability, regional arms races, the proliferation and development of increasingly advanced ballistic missile systems, state-sponsored terrorism, the use of chemical weapons by both state and non-state actors, and the failure of some regional states to adopt policies and practices consistent with international export control regime guidelines. Iran, in particular, continues to engage in extensive destabilizing activities across the region, including support for terrorist proxy groups and regional ballistic missile proliferation. Many of these destabilizing activities have only worsened since the 2010 Review Conference.

(d) **Lack of political will among the regional states:** Lastly, while regional states frequently bemoan a lack of political will on the part of the co-sponsors of the 1995 Resolution, the regional states have themselves shown a conspicuous lack of urgency or seriousness in pursuing practical progress on a Middle East WMD-free zone, aside from repeating generic platitudes and pursuing resolutions in multilateral fora. The evident unwillingness of some regional states to pursue progress directly with their regional neighbors — and their choice to rely on multilateral mechanisms to try to impose progress from outside the region without any apparent local preparation or commitment — is indicative of an ongoing lack of political will and diplomatic seriousness on the part of the regional states.

Moving Forward: Practical Steps to Establish the Conditions for a WMD-Free Middle East

9. None of this means that a Middle East WMD-free zone is impossible. It does, however, illustrate that approaches like those attempted in recent years by some Arab League states are doomed to failure without a significant re-thinking of tactics and strategy, and without a far more constructive approach to pursuing regional dialogue and consensus. With regard to the way ahead, the United States observes the following:

(a) **The primary responsibility for advancing a Middle East WMD-free zone lies with the states of the Middle East region, not the co-sponsors of the 1995 Resolution or NPT Parties more broadly.** The goal of creating a zone is a regional goal that must be pursued cooperatively by all the regional states concerned, as has been the case for every successful nuclear weapon free zone. This is implicitly acknowledged in the 1995 Resolution itself, the operative paragraphs of which contain no discrete action or responsibility for the depositaries. Instead, the resolution calls upon the regional states "to take practical steps in appropriate forums" to make progress on such a zone and implores all States Parties to "extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties" of such a zone. Attributing blame to states outside the region for a lack of progress in advancing a regional WMD-free zone is unrealistic and counterproductive.

(b) **Regional dialogue on advancing a Middle East WMD-free zone cannot be divorced from discussion of regional political and security issues.** All states make sovereign decisions regarding entering into arms control arrangements in a manner informed by their unique security perceptions and political concerns. Pursuing progress on a zone in a manner that ignores or minimizes these concerns is unlikely to bear fruit. Discussion of the prevailing security

conditions and concerns of all parties must be at the center of any meaningful dialogue on a Middle East WMD-free zone.

(c) **Efforts to implement the 1995 Resolution that focus on process over substance are unlikely to succeed.** Additional procedural arrangements cannot overcome a fundamental lack of regional support and political willingness to engage in direct dialogue. The primary vehicle for pursuing progress on implementing the Resolution should be direct dialogue between or among the regional states concerned. Any new diplomatic mechanisms or processes aimed at promoting such dialogue should be mutually agreed by the regional states, and both should not and indeed cannot be dictated by NPT Review Conferences or other multilateral entities or outside powers. The United States will not support any such proposals that do not have the consensus support of the regional states. In particular, the recommendations on the Middle East contained in the 2010 Review Conference Final Document, while well-intentioned, can no longer be considered an appropriate basis for action on this issue.

(d) **The NPT review cycle cannot be the primary mechanism for progress on a Middle East WMD-free zone.** NPT Preparatory Committee meetings and Review Conferences are opportunities for assessing progress on the Treaty and strengthening implementation of the Treaty across areas of common interest, not for resolving regional disputes. The security undertakings and benefits of the Treaty are bigger than any one region, and progress in advancing the shared interests of all parties should not be held captive to parochial regional objectives. Moreover, the review cycle is particularly ill suited to resolving such issues in the Middle East, as not all regional states are a Party to the NPT or bound by decisions made in the NPT context. Continued efforts by some NPT Parties to impose a solution on the region will further erode trust among regional states and set back the goals of the 1995 Resolution.

(e) **The United States remains convinced that a more productive avenue for advancing implementation of the 1995 Resolution would be for regional states to redouble their efforts, both on a voluntary basis and in dialogue with other regional states, to pursue practical steps to establish the security, political, and diplomatic conditions needed for a Middle East WMD-free zone.** Ultimately, the establishment of such a zone will require substantial changes in the prevailing political and security environment in the region, including a comprehensive and durable regional peace. Nonetheless, real progress is possible, even in the near term, if regional states are willing to embrace a more incremental approach and pursue voluntary actions and mutual confidence building measures to establish conditions conducive to a zone. Efforts that focus on areas of mutual interest have the greatest chance of bearing fruit. The specific suggestions below represent indicative examples of practical steps, not a comprehensive list. We invite broad diplomatic dialogue on what can be done to improve regional conditions, in order to make a zone more feasible.

(i) **Building trust:** Regional states should establish channels for direct dialogue with their regional neighbors, acknowledge the legitimacy of other parties' security concerns, and recognize Israel as a sovereign state.

(ii) **Enhancing transparency:** Regional states should embrace the highest international verification and nonproliferation standards, including adherence to the IAEA Additional Protocol, and issue clear statements of national policy regarding their plans for the development and use of nuclear energy for peaceful purposes.

(iii) **Reducing nuclear latency:** Regional states should exercise restraint in their civil nuclear programs by voluntarily refraining from pursuing sensitive nuclear technologies and relying instead on international markets for nuclear fuel services. States Parties, particularly nuclear supplier countries, should extend cooperation to assure reliable and equitable access to nuclear fuel services and should insist upon high nonproliferation standards — including the IAEA Additional Protocol — in civil nuclear cooperation projects.

(iv) **Addressing noncompliance:** Regional states should be at the forefront in addressing regional cases of noncompliance and ongoing WMD use in the region, and should refrain from defending or tacitly accepting noncompliance by other states in the region, including Syria. All states must cooperate to protect international mechanisms of transparency and accountability, such as the Organization for the Prohibition of Chemical Weapons and the IAEA, from attempts to undermine their efficacy and credibility.

(v) **Promoting the responsible use of sensitive technology:** Regional states should harmonize national export control systems with multilateral export control regimes, including the Nuclear Suppliers Group, Missile Technology Control Regime, Australia Group, and Wassenaar Arrangement, and subscribe to the Hague Code of Conduct against Ballistic Missile Proliferation.

(vi) **Refraining from unconstructive actions:** Regional states should discontinue any and all military or security cooperation with the DPRK; exercise maximum restraint in the development, testing, and deployment of ballistic missiles capable of delivering weapons of mass destruction; and cease all support for terrorist and proxy groups in the region.

(vii) **Building technical capacity for implementation:** Regional states should develop and enhance existing expertise and technical competencies for implementing arms control verification and monitoring measures, as such skills will be necessary for ultimately implementing a WMD-free zone in the region.

(f) **All Parties to the Treaty should play a constructive role in supporting the regional states in the above endeavors and extending cooperation where feasible and appropriate.** NPT Parties should provide support and cooperation, include the provision of appropriate capacity building measures, to support the regional states in undertaking such steps. Also, States Parties should refrain from unconstructive efforts that are not conducive to the establishment of a Middle East WMD-free zone, including the provision of material and political support to regional states in perennial noncompliance with their arms control and nonproliferation obligations.

(g) **The United States is firmly committed to supporting the regional states in undertaking practical steps and facilitating direct regional dialogue to establish conditions conducive to a Middle East free of all weapons of mass destruction and delivery systems.** We believe such an approach, if pursued in a cooperative and consensus-based manner, will be more productive than past approaches in creating a safer and more secure region. We look forward to further discussion of this issue with the regional states and among all States Parties throughout the review cycle.

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Specific regional issues and implementation of the 1995 resolution on the Middle East

Working paper submitted by the Group of Arab States

1. The international community has acknowledged the importance of establishing nuclear-weapon-free zones throughout the world. Such zones serve many purposes, the most important of which are strengthening the nuclear non-proliferation regime and achieving nuclear disarmament, and would bring us closer to the ultimate objective of achieving and maintaining international peace and security. The Group of Arab States is concerned at the catastrophic humanitarian consequences that would result from any use of nuclear weapons. That concern was expressed in the outcomes of the conferences concerning this matter that were held in Norway, Mexico and Austria, and in the relevant resolutions of the General Assembly.

2. The nuclear-weapon-free zones that have been established in several regions of the world have furthered the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons. The Group reaffirms that tangible steps and immediate measures must be taken towards the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East, so that the positive effects of such zones can be felt in that region.

3. The Group of Arab States calls on the three States that sponsored the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to assume their responsibilities in respect of the implementation of that resolution, which was one the key outcomes of that Conference and the basis on which the Parties decided, by consensus, to extend the Treaty indefinitely. The Group reaffirms its resolve to make every effort to establish a zone free of nuclear weapons and other weapons of mass destruction in the Middle East region, with a view to enhancing the potential for achieving peace, security and stability.

4. Neither the 1995 resolution on the Middle East nor the practical steps that were endorsed by the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons have been implemented. At the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Group of Arab States proposed an initiative to break the deadlock that received the unreserved support of the vast majority of the States Parties to the Treaty. However, three States, two of which are sponsors and depositaries of the 1995

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resolution on the Middle East, prevented the 2015 Review Conference from adopting a final document in order to serve the interests of Israel, a State that is not a party to the Treaty. That course of action has adversely affected the credibility and sustainability of the regime established by the Treaty.

5. The Group reaffirms its commitment to the outcomes and outputs concerning the elimination of nuclear weapons and other weapons of mass destruction from the Middle East region that were adopted at the 1995, 2000 and 2010 Review Conferences. It hopes that the international community will support the implementation of those outcomes and outputs.

6. The Group is disappointed that the international community has failed to fulfil its responsibilities in that regard, justifying its position by saying that such a zone should be established freely by the States concerned, in order to avoid putting any pressure on Israel, which is the only State in the Middle East that has not acceded to the Treaty and that refuses to place its nuclear installations under the comprehensive safeguards regime of the International Atomic Energy Agency (IAEA). Moreover, Israel refuses to implement the relevant international resolutions, ignores the resolutions adopted at the Review Conferences and impedes all serious efforts to conduct preparatory negotiations concerning the convening of a conference on the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East.

7. The international community's failure to fulfil its commitments concerning the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East has had repercussions, perpetuated a policy of ambiguity regarding the nuclear safety and security standards that Israel has put in place at its nuclear facilities, and increased tension and instability in the Middle East. The international community's failure to fulfil its commitments in that regard has also impeded efforts to prevent the proliferation of weapons of mass destruction around the world, and that, in turn, has an adverse effect on the international non-proliferation regime.

8. The Group has taken note of the working papers concerning the 1995 resolution on the Middle East that have been submitted thus far in preparation for the 2020 Review Conference, and it looks forward to seeing the States Parties to the Treaty, particularly the nuclear-weapon States, and even more particularly the sponsors of the 1995 resolution on the Middle East, translate their commitments into tangible steps and immediate measures to implement that resolution. The Group also calls for the implementation of Security Council resolution 487 (1981), pursuant to which Israel must place all its nuclear facilities under the IAEA comprehensive safeguards regime, without any precondition and any negotiations, and calls upon Israel to accede to the Treaty as a non-nuclear-weapon State.

9. The Group of Arab States reaffirms its willingness to cooperate and to endorse working papers, ideas or arrangements that further efforts to achieve the goal of establishing a zone free of nuclear weapons and other weapons of mass destruction in the Middle East, in accordance with the 1995 resolution on the Middle East.

10. The Group trusts that the work of the Second Preparatory Committee will lead to further efforts to set out a defined path towards the establishment a zone free of nuclear weapons and other weapons of mass destruction in the Middle East, in accordance with the purposes and principles of the United Nations and with commitments that were agreed upon pursuant to the relevant provisions of the Treaty. The Group hopes that the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons will adopt a final document that responds to its requests and is implementable.

11. In view of the foregoing, the Group trusts that, in its recommendations to the 2020 Review Conference, the Preparatory Committee will:

(a) Stress the need to implement Security Council resolution 487 (1981) and draw attention to the importance of achieving the universality of the Treaty, as stated in the Final Documents of the 1995, 2000 and 2010 Review Conferences, and in particular the call made therein upon States that have not acceded to the Treaty to do so as non-nuclear-weapon States and to place all of their nuclear facilities under the IAEA comprehensive safeguards regime.

(b) Affirm that nuclear-weapon-States must fulfil their responsibility to provide the assistance required and make every effort to bring about the early establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East, in accordance with resolutions adopted by the General Assembly and Review Conferences, as well as other relevant resolutions, and point out that the Security Council, in view of its obligation to maintain international peace and security, bears responsibility for establishing that zone.

(c) Urge Israel to accede to the Treaty as a non-nuclear-weapon State, place all its facilities under the IAEA comprehensive safeguards regime, eliminate its entire stockpile of nuclear weapons and ratify the Comprehensive Nuclear-Test-Ban Treaty.

(d) Call upon all States Parties to put pressure on Israel and compel it to comply with internationally binding resolutions and accede to the Treaty; reiterate the call that IAEA made upon Israel in 1991 to comply with Security Council resolution 487 (1981), which provides that all Israeli nuclear facilities must be placed under the IAEA comprehensive safeguards regime; and call for the elimination of all weapons of mass destruction, in particular nuclear weapons, with a view to achieving the objective set out in paragraph 14 of Security Council resolution 687 (1991), which was adopted under Chapter VII of the Charter of the United Nations, and in keeping with the relevant General Assembly resolutions adopted annually by consensus.

(e) Call upon the international community to fulfil its responsibilities with regard to the implementation of the 1995 resolution on the Middle East concerning the establishment a zone free of nuclear weapons and other weapons of mass destruction by convening a conference on the establishment of such a zone, in accordance with the 1995 resolution on the Middle East and in implementation of the outcomes of the 2000 and 2010 Review Conferences.

(f) Note that the Group of Arab States reaffirms that saying nuclear-weapon-free zones should be established freely by the States concerned does not mean that the international community can abrogate its responsibilities, and that the relevant international instruments can be disregarded.

(g) Emphasize the role of the international community and its responsibility to make it easier to take practical measures in the relevant forums, with a view to making progress towards the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East, and that the international community must take appropriate action in response to any measures that preclude achieving that objective.

(h) Note that the Group of Arab States deeply regrets the failure of the States that co-sponsored the 1995 resolution concerning the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East to fulfil the commitments they have undertaken, as set out in the 2010 plan of action, and that the Group reaffirms its readiness to endorse working papers, ideas or arrangements that further efforts to achieve the goal of establishing a zone free of nuclear weapons and other weapons of mass destruction in the Middle East, in accordance with the 1995 resolution on the Middle East.

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Specific regional issues and implementation of the 1995 resolution on the Middle East

Working paper submitted by the Group of Arab States

Addendum

The Group of Arab States expresses its regret at the working paper that was submitted by the United States of America on the Middle East (NPT/CONF.2020/PC.II/WP.33), because it sets out positions that go against the 1995 resolution on the Middle and set back, rather than advance, international efforts to establish a zone free of nuclear weapons and other weapons of mass destruction in the Middle East. In response, the Group of Arab States of would like to state the following:

(a) The argument that the responsibility of the sponsors of the 1995 resolution on the Middle East includes "establishing regional conditions" is contrary to the resolution, which is the basis for the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons, and to the established facts and agreed-upon commitments.

(b) It is wrong to blame the Arab States and hold them responsible for the failure to convene the postponed conference. This allegation is completely baseless and does not take into account the full cooperation of and the efforts that have been made by the Arab States, as set out in the working paper that the Group submitted to the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2015/WP.33), and fails to reflect the fact that the Arab Group has continued to call for the conference to be convened.

(c) It is unacceptable to set preconditions for the commencement of negotiations on the implementation of the 1995 resolution on the Middle East and to introduce issues that are not within the scope of the Treaty and the 1995 resolution on the Middle East. Doing so is merely an attempt to continue protecting Israel, which is not a party to the Treaty.

(d) The Review Conference continues to be the appropriate forum for addressing this crucial issue, which is of vital importance to the supreme interests and national security of the Arab States. In that connection, the Group reaffirms

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that the indefinite extension of the Treaty was based on the 1995 resolution on the Middle East, and that it was the three depository States that co-sponsored the resolution and pledged to implement as part of their efforts to secure the indefinite extension of the Treaty. The 2000 and 2010 Review Conferences reaffirmed the 1995 resolution on the Middle East and stressed that the resolution remains valid until its goals and objectives are achieved. No State can abrogate obligations that have been agreed upon at previous Review Conferences.

The fact that one of the depositaries of the Treaty has adopted such a position will affect the credibility of the Treaty. Neither the outcomes arrived at by the Preparatory Committee nor the Chair's factual summary should be aligned with or show bias towards a position that is incompatible with the mandate set out in the 1995 resolution on the Middle East and the outcomes of the Review Conferences, particularly given that there is an international consensus in support of the commitment to implementing the resolution and on the need for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to develop practical measures for implementation of the resolution. We acknowledge the clearly positive positions that were expressed by the Non-Aligned Movement, the Group of African States, the New Agenda Coalition and the other nuclear-weapon States, in particular the Russian Federation, China and France, as well as the European Union and many countries from all geographical regions, including Western countries, and we express our appreciation for the credibility and objectivity that they have demonstrated. Accordingly, the Group of Arab States rejects the substance of the working paper that was submitted by the United States.

NPT/CONF.2020/PC.II/WP.35

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Nuclear disarmament

Working paper submitted by the Group of Arab States

1. Nuclear disarmament is one of the most important of the three pillars of the Treaty on the Non-Proliferation of Nuclear Weapons, because it is directly linked to international peace and security. The importance of that pillar is clearly demonstrated by the fact that the United Nations has chosen to designate 26 September as the annual International Day for the Total Elimination of Nuclear Weapons. That step was taken to keep international attention focused on the goal of the total elimination of nuclear weapons.

2. The United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination, which was held in New York in 2017 in accordance with General Assembly resolution 71/258, was a major step towards ridding the world of nuclear weapons. It resulted in the adoption, for the first time in human history since nuclear weapons were used, of a non-discriminatory treaty to prohibit those weapons. That treaty came as an inevitable outcome of growing international concern over the humanitarian impact of the use of nuclear weapons. The fact that a majority of the members of the international community succeeded in reaching agreement on that treaty should provide an impetus for negotiations within the Conference on Disarmament towards a comprehensive convention on the prohibition of the use of nuclear weapons that would set a specified timetable for the total and irreversible elimination of nuclear weapons within an effective international verification and oversight system. In that regard, it is hoped that the Conference on Disarmament can break the impasse that has lasted for almost 22 years, and manage to set forth a comprehensive and balanced action programme that will allow for negotiation of such a treaty as an absolute priority of the Conference.

3. The high-level international conference on nuclear disarmament scheduled to be held in New York from 14 to 18 May 2018, following the completion of the work of this Committee in accordance with a series of resolutions adopted by the United Nations General Assembly since 2013, from resolution 68/32 to resolution 72/251, will be an opportunity for the international community to review the reasons for the failure of the Conference on Disarmament to fulfil its mandate and negotiating a comprehensive nuclear weapons convention. It is hoped that the second session of the Preparatory Committee will provide an opportunity to send a message of support for

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the objectives of that Conference that will contribute to progress towards the realization of the goal of the goal of the total and final elimination of nuclear weapons.

4. Nuclear disarmament must remain the ultimate priority of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. It is a legal obligation for which responsibility falls on all the States parties to the Treaty, but particularly on the five nuclear-weapon States.

5. In that regard, it must be recalled that the negotiating parties to this Treaty succeeded, in the atmosphere of the Cold War, in reaching a grand bargain under which the nuclear-weapon States committed to the total elimination of their nuclear weapons, in accordance with article VI, in exchange for a commitment from the rest of the States not to seek to acquire such weapons. Unfortunately, attempts by certain States parties to reinterpret their commitments under that article in a way that renders it devoid of content and makes it less binding is cause for grave concern. Such attempts will inevitably undermine the Treaty.

6. The possession of nuclear weapons by five States parties to the Treaty is meant to be a temporary situation under the Treaty's provisions. Those States should not view it as an acquired legal right. The repeated failure to implement successive commitments to disarmament made at review conferences casts doubt on the utility of the review process itself. That has been the case with Decision 2 of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the thirteen steps adopted by the 2000 Review Conference, and the specific actions included in the action plan contained in the final document of the 2010 Review Conference.

7. The five nuclear States are clearly continuing to avoid setting out any specific timetables for implementing nuclear disarmament obligations under the Treaty and the outcomes of the review conferences. The nuclear-weapon States continue to subscribe to security and military doctrines that would not only allow for the use of nuclear weapons but, as we have seen recently, would expand the cases in which they might be used and have even signalled that they might be used against non-nuclear States The States parties to the Treaty must reaffirm that such doctrines are in fundamental conflict with the provisions and intent of the Treaty on the Non-Proliferation of Nuclear Weapons, and that they undermine the Treaty's goals and damage its credibility.

8. The complete elimination of nuclear weapons, in accordance with article VI of the Treaty, remains the only guarantee against their use. Until that goal is achieved, there is a pressing need to conclude a binding, universal, unconditional and irrevocable legal instrument that provides effective guarantees to non-nuclear-weapon States against the use or threat of use of nuclear weapons under any circumstances.

9. The international community must also begin negotiating a universal, non-discriminatory and verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the report of the Special Coordinator (CD/1299) and the mandate contained therein. The negotiation of such a treaty is one of the thirteen steps agreed to by consensus by the States parties to the Treaty at the 2000 Review Conference. It is also contained in Action 15 of the action plan adopted by the 2010 Review Conference. The negotiation of such a treaty that covers the growing stockpile of fissile materials would constitute an effective contribution to achieving nuclear disarmament, and would also contribute to strengthening the non-proliferation regime.

10. The 2015 Review Conference failed to adopt a consensus final document, and the five nuclear-weapon States have evaded their commitments and shirked their

responsibilities. That failure represents a major challenge to the nuclear disarmament pillar that calls for more rapid progress and increased efforts to achieve that goal within an explicit and agreed-upon time frame. Although that failure is a challenge, it is also an opportunity that States parties to the Treaty should proactively seize — if they are acting in good faith — to ensure that the current review conference results in ambitious outcomes on disarmament that increase compliance with the provisions of the Treaty and promote implementation of the commitments that emerged from previous review conferences.

11. The credibility of the Treaty on the Non-Proliferation of Nuclear Weapons depends on honouring the balance among the three pillars, devoting an equal amount of attention to achieving them, and correcting the imbalance that has emerged over the past few years from the deliberate focus by certain States parties on non-proliferation to the detriment of nuclear disarmament.

12. The Group of Arab States stresses that bilateral agreements on the reduction of nuclear arsenals are not a substitute for the obligations incumbent on the nuclear-weapon States under the provisions of the Treaty.

13. In the light of the above, we feel that the second session of the Preparatory Committee should make the following recommendations to the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons:

(a) The centrality of the Treaty on the Non-Proliferation of Nuclear Weapons to the nuclear disarmament and non-proliferation regimes should be reaffirmed, as should the importance of the humanitarian impact of nuclear weapons as the basis on which to pursue future nuclear disarmament efforts;

(b) Balance should be restored to the review process. Excessive attention should not be paid to any one pillar of the Treaty to the detriment of any other. It is necessary to correct the imbalance that has emerged over the past few years as a result of neglecting the nuclear disarmament pillar in favour of the non-proliferation pillar;

(c) The States parties to the Treaty, especially the five nuclear-weapon States, should reaffirm that nuclear disarmament is a legal obligation under article VI of the Treaty, and express their concern at any attempt to reinterpret that article to weaken the legal obligation to pursue nuclear disarmament;

(d) The Review Conference should stress that while the responsibility to achieve nuclear disarmament lies with all States parties to the Treaty, the five nuclear-weapon States parties to the Treaty have a special obligation stemming from their unequivocal undertaking provided for in the final document of the 2000 Review Conference. It should urge those parties to carry out bilateral, collective or multilateral efforts to achieve the goal of nuclear disarmament;

(e) The Review Conference should welcome the Treaty on the Prohibition of Nuclear Weapons approved on 7 July 2017 in New York. It should stress that that Treaty is not a substitute for the Treaty on the Non-Proliferation of Nuclear Weapons, but rather a legally binding instrument that complements the latter, and represents an unquestioned contribution towards the goal of ridding the world of nuclear weapons. The Conference should stress the importance of building on it with other legally binding instruments for achieving a world free of nuclear weapons;

(f) The Review Conference should call on the Conference on Disarmament to negotiate a comprehensive treaty on nuclear weapons as soon as possible, as part of a comprehensive and balanced action programme. Such a treaty should set forth a specific timetable for the complete and irreversible elimination of nuclear weapons within an effective international verification and oversight system;

(g) The Review Conference should recommend the negotiation within the Conference on Disarmament of a legally binding, universal, unconditional and irrevocable instrument that provides effective guarantees to non-nuclear-weapon States against the use or threat of use of nuclear weapons under any circumstances until such time as the world is rid of nuclear weapons;

(h) It should urge the Conference on Disarmament to negotiate a universal, non-discriminatory and verifiable treaty to ban the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the report of the Special Coordinator (CD/1299) and the mandate contained therein, as part of a comprehensive and balanced action programme for the Conference that covers the growing stockpile of fissile material. That would represent an effective contribution to nuclear disarmament while also contributing to strengthening the non-proliferation regime;

(i) The Review Conference should call on all States that subscribe to a doctrine of nuclear deterrence to promptly renounce it, given that it is in fundamental conflict with the provisions and intent of the Treaty on the Non-Proliferation of Nuclear Weapons, undermines that Treaty's goals, and damages its credibility.

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Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Democratic People's Republic of Korea

Working paper submitted by the members of the Non-Proliferation and Disarmament Initiative (Australia, Canada, Chile, Germany, Japan, Mexico, the Netherlands, Nigeria, the Philippines, Poland, Turkey and the United Arab Emirates)

1. The Non-Proliferation and Disarmament Initiative views the nuclear and ballistic missile programmes of the Democratic People's Republic of Korea as one of the most serious challenges to the international disarmament and non-proliferation regime centred on the Treaty on the Non-Proliferation of Nuclear Weapons. We acknowledge the recent statements by that country announcing the suspension of nuclear tests and intercontinental ballistic missile launches and the closure of its Punggye-ri test site as a first step, if fully implemented, towards complete denuclearization. However, we need to ensure that the country's recent engagement with other countries will turn into concrete actions towards the goal of the complete, verifiable and irreversible abandonment by the Democratic People's Republic of Korea of its nuclear weapons and programmes for nuclear and other weapons of mass destruction and ballistic missiles.

2. The past Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons have remained seized of the provocative actions of the Democratic People's Republic of Korea for a long period of time. In the Final Document of the 2010 Review Conference, the Conference strongly urged the Democratic People's Republic of Korea to fulfil its commitments under the Six-Party Talks, including the complete and verifiable abandonment of all nuclear weapons and existing nuclear programmes in accordance with the Joint Statement of the Fourth Round of the Six-Party Talks of September 2005, and to return, at an early date, to the Treaty and to adhere to its International Atomic Energy Agency (IAEA) safeguards agreement. The Conference also called on it and all States parties to fully implement all relevant nuclear non-proliferation and disarmament obligations. The Conference reaffirmed its firm support for the Six-Party Talks and expressed its determination to achieve a satisfactory and comprehensive resolution of the issues involved through diplomatic means. At the first session of the Preparatory Committee for the 2020 Review Conference in 2017, the Initiative submitted a working paper on this issue and 62 countries supported a statement entitled "Democratic People's

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Republic of Korea's nuclear challenge to the Treaty on the Non-Proliferation of Nuclear Weapons" (see NPT/CONF.2020/PC.I/13).

3. The Democratic People's Republic of Korea has conducted nuclear tests in repeated violation of the relevant Security Council resolutions, most recently on 2 September 2017. On 11 September 2017, the Council unanimously adopted resolution 2375 (2017), in which it condemned in the strongest terms the nuclear test conducted by the Democratic People's Republic of Korea and reaffirmed its decisions, including that the Democratic People's Republic of Korea should immediately abandon all nuclear weapons and existing nuclear programmes. That resolution also contains unprecedentedly strong sanction measures against that country.

4. The Democratic People's Republic of Korea has also continued its ballistic missile programmes; it has launched 40 ballistic missiles, including some with the range of intercontinental ballistic missiles, since 2016, most recently on 28 November 2017. Those ballistic missile launches are also in grave violation of the country's obligations under the relevant Security Council resolutions, and the Council unanimously adopted resolution 2397 (2017) on 22 December 2017, in which it condemned the ballistic missile launch of 28 November 2017 and imposed further strong sanction measures on the Democratic People's Republic of Korea.

5. Considering the situation regarding the Democratic People's Republic of Korea, the Initiative expresses the following points and recommends that the next Review Conference remain seized of the matter:

- The nuclear- and missile-related activities of the Democratic People's Republic of Korea are clear violations of the relevant Security Council resolutions as well as of the 2005 Joint Statement and represent a grave challenge to the global non-proliferation and disarmament regime centred on the Treaty.
- The Initiative condemns, in the strongest terms, the nuclear tests conducted by the Democratic People's Republic of Korea. It notes that the Democratic People's Republic of Korea claimed that the test conducted in September 2017 was a hydrogen bomb test and that its scale was far larger than previous tests. The Initiative strongly condemns the country's ongoing nuclear activities. The Initiative urges the country not to conduct any further nuclear tests or launches that use ballistic missile technology, nor to engage in any other destabilizing or provocative actions.
- The Initiative condemns, in the strongest terms, the ballistic missile activities carried out by the Democratic People's Republic of Korea, some of which flew over the territory of Japan, and notes that such activities contribute to the development by the Democratic People's Republic of Korea of nuclear weapons delivery systems and further increase tensions. In this regard, the Initiative notes that the Democratic People's Republic of Korea launched ballistic missiles with the range of intercontinental ballistic missiles on 4 July, 28 July and 29 November 2017.
- The Initiative reaffirms that, in accordance with the Treaty, the Democratic People's Republic of Korea cannot have the status of a nuclear-weapon State.
- The Initiative renews its strong demand for the Democratic People's Republic of Korea to immediately and fully implement the relevant Security Council resolutions as well as the 2005 Joint Statement, to immediately abandon its nuclear weapons and programmes for nuclear and other weapons of mass destruction and ballistic missiles in a complete, verifiable and irreversible manner, and to return, at an early date, to the Treaty and to the IAEA safeguards agreement with a view to achieving the country's denuclearization.

- The proliferation and sanctions evasion activities of the Democratic People's Republic of Korea are of great concern to the international non-proliferation regime. It is important that we do not allow any "loopholes" in the sanctions. The international community must continue applying maximum pressure on the Democratic People's Republic of Korea by fully implementing the sanctions imposed by all relevant Security Council resolutions with a view to moving towards the goal of the complete, verifiable and irreversible abandonment by that country of its nuclear weapons and programmes for nuclear and other weapons of mass destruction and ballistic missiles. The Initiative notes that the Council has expressed its determination to take further significant measures in the event of further provocations by the Democratic People's Republic of Korea.

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Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Note verbale dated 20 April 2018 from the Government of Japan to the Conference on Disarmament addressed to the Chair of the Committee

Working paper submitted by Japan

The Government of Japan presents its compliments to the Chair of the second session of the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and has the honour to transmit herewith the text of recommendations entitled "Building bridges to effective nuclear disarmament — recommendations for the 2020 review process of the Non-Proliferation Treaty", proposed by the Group of Eminent Persons for Substantive Advancement of Nuclear Disarmament (hereinafter referred to as "the Group") (see annex I), as well the document entitled "Chair's Summary: first and second meetings of the Group of Eminent Persons for Substantive Advancement of Nuclear Disarmament", produced by the Chair of the Group, Dr. Takashi Shiraishi (see annex II).

The Government of Japan further has the honour to advise that the Group was launched as an initiative of the Government of Japan in July 2017. The Group is an independent enterprise, composed of 16 members, who participate in personal capacities, from various countries of both nuclear-weapon States and non-nuclear-weapon States that are party to the Treaty on the Non-Proliferation of Nuclear Weapons. On 29 March 2018, the Group presented the text of recommendations to Minister for Foreign Affairs of Japan, Taro Kono, in Tokyo, as the outcome document of the activities of the Group.

The Government of Japan believes that the recommendations, which attempt to converge different approaches on nuclear disarmament, could be a meaningful reference for the international community and requests that the present texts be circulated as a working paper of the second session of the 2020 Preparatory Committee.

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Annex I

Building bridges to effective nuclear disarmament

Recommendations for the 2020 Review Process for the Treaty on the Non-Proliferation of Nuclear Weapons

Group of Eminent Persons for Substantive Advancement of Nuclear Disarmament

I. In search of a common goal for a divided world

1. The vision for a world without nuclear weapons has become blurred and needs to be refocused. Two opposing trends in disarmament have come into sharper relief. Deepening concerns over the deteriorating strategic environment impel some States to reaffirm reliance on nuclear deterrence in the belief that nuclear deterrence benefits national and international security and stability and prevents a major war. At the same time, other States and civil society groups, including *hibakusha*, seek the total elimination of nuclear weapons without further delay, on the basis of deep concerns about the risks of catastrophic humanitarian consequences of nuclear use, as reflected in the adoption of the Treaty on the Prohibition of Nuclear Weapons. This divide has deepened and become so stark that States with divergent views have been unable to engage meaningfully with each other on key issues.

2. The Group of Eminent Persons strongly believes that the stalemate over nuclear disarmament is not tenable. Whatever the disagreements expressed by States regarding the Non-Proliferation Treaty process and the Treaty on the Prohibition of Nuclear Weapons, it is not in any State's interest to allow the foundation of the global nuclear order to crumble. Rather, it is a common interest of all States to improve the international security environment and pursue a world without nuclear weapons in line with article VI of the Non-Proliferation Treaty. The international community must move urgently to narrow and ultimately resolve its differences. Civility in discourse and respect for divergent views must be restored to facilitate a joint search for a common ground for dialogue, where all parties, even though they might have different perspectives, can work together to reduce nuclear dangers.

3. Against this backdrop, the Group recommends that States should, with a sense of urgency, undertake the bridge-building measures prescribed in part II. This is necessary to re-energize nuclear disarmament and non-proliferation during this cycle of the Non-Proliferation Treaty review process, enhance the process itself and lay the ground for converging different approaches.

Premises for upholding the nuclear non-proliferation and disarmament regime

4. The norm of non-use of nuclear weapons, which is backed by the 73-year practice of non-use, must be maintained by all means.

5. The Non-Proliferation Treaty remains central to advancing our common goal of a world without nuclear weapons.

6. To preserve the Non-Proliferation Treaty, all States parties should fulfil their joint commitment to the ultimate total elimination of nuclear weapons, and to the implementation of the decisions on principles and objectives and strengthening the review process of 1995 and the Final Documents of 2000 and 2010. On the basis of

the resolution adopted in 1995 and the Action Plan agreed in 2010, the concerned regional actors and the co-sponsors/conveners — the Russian Federation, the United Kingdom, and the United States — in close communication with interested States parties to the Non-Proliferation Treaty and the United Nations, should work to convene as soon as possible a conference on the Middle East zone free of nuclear weapons and other weapons of mass destruction to be attended by all States of the region of the Middle East.

7. The Comprehensive Nuclear-Test-Ban Treaty plays a critical role in reinforcing the norm of non-testing, preventing nuclear proliferation and contributing to nuclear disarmament. The Group urges the remaining Annex II States to sign and/or ratify the treaty without further delay and calls upon all States to refrain from nuclear testing. All States should make extra efforts to maintain the effectiveness of the treaty's verification mechanisms and the Provisional Technical Secretariat and ensure adequate funding.

8. The Russia-United States nuclear arms control framework constitutes a fundamental basis for the global nuclear arms and threat reduction effort. The Group urges the Russian Federation and the United States to spare no effort to re-engage and to rehabilitate the framework to secure further reductions in nuclear forces. The most urgent task is the extension of the New Strategic Arms Reduction Treaty (New START) for five years.

9. Full compliance by all parties with all elements of the Joint Comprehensive Plan of Action (JCPOA) is essential to the integrity of the nuclear non-proliferation regime. All stakeholders should continue to support full implementation of the Plan of Action, which is underpinned by Security Council resolution 2231 (2015).

10. Catastrophic consequences from the Democratic People's Republic of Korea nuclear and missile crisis must be prevented. All stakeholders are urged to make every effort to resolve the problems through peaceful means, and to achieve the complete, verifiable and irreversible denuclearization of the Korean Peninsula.

II. Bridge-building actions

11. A range of activities to build bridges across the nuclear disarmament divide should be designed to yield a clear common vision for achieving a world without nuclear weapons. "Bridge builders" should consider developing an agenda that requires diverse States to openly address the fundamental issues and questions that create the divide, so that possible pathways to common ground can be identified and concrete effective steps toward nuclear disarmament can be taken. In particular, despite their diverging approaches to achieving nuclear disarmament, the common commitment of nuclear-weapon States and non-nuclear-weapon States to the objective of the Non-Proliferation Treaty offers a useful point of departure for bridge building. The Group recommends the following actions with the recognition that Governments along with civil society organizations can jointly play effective roles.

Enhancing the implementation of the Non-Proliferation Treaty review process

12. All Non-Proliferation Treaty States parties should demonstrate ownership of their treaty — in statements but also by making concrete and practical suggestions. These could be unconditional voluntary actions, reports on treaty implementation and bridge-building proposals that demonstrate States' commitments during the review cycle.

13. National reports can be better utilized in the Non-Proliferation Treaty strengthened review process. In particular, it would be useful to convene a session at the third meeting of the Preparatory Committee, at which nuclear-weapon States explain their national reports, followed by an interactive discussion with other States parties and civil society participants. Information on steps towards nuclear disarmament envisaged by the nuclear-weapon States in the step-by-step approach would be helpful.

14. "Bridge builders" could take initiatives in fostering a dialogue, involving both nuclear-armed States and non-nuclear-weapon States, to improve understanding of and develop enhanced transparency measures intended to: (a) contribute effectively to threat reduction and risk reduction; (b) address security concerns incurred during the process of nuclear disarmament; and (c) improve confidence and trust among all types of States — nuclear-armed States, States under extended nuclear deterrence and proponent States of the Treaty on the Prohibition of Nuclear Weapons. The dialogue could address relevant issues, such as concrete measures for reduction, transparency about doctrine and the policy dimensions of nuclear arsenals, through interactive discussions rather than repetitive statements. In addition, the dialogue should review the content, format, and cost of national reports.

Confidence-building measures as a foundation for bridge building

15. Nuclear-armed States, in cooperation with States under extended nuclear deterrence arrangements, should find ways to reduce the role of nuclear weapons in national security policies.

16. Nuclear-weapon States should strengthen negative security assurance commitments enshrined in Security Council resolution 984 (1995) to Non-Proliferation Treaty non-nuclear-weapon States and States parties to treaties on nuclear-weapon-free zones. Those who are not able to do so should explain why. Nuclear-weapon States also should consider how to best utilize declaratory policies for confidence-building, including suggesting ways that would allow more empirical assessments that stated declaratory policies are actually operative.

Preparing the ground for convergence of different approaches

(a) Identifying elements of nuclear disarmament

17. There currently exists no widely shared understanding of what security-enhancing, verifiable and enforceable nuclear disarmament should entail. The international community will not be able to decide on and implement nuclear disarmament without more clarity on what it will require. States that rely on nuclear deterrence — directly or through alliances — and States that support immediate prohibition should take up this challenge in the Non-Proliferation Treaty process as well as through other forums.

(b) Intensifying efforts to develop monitoring, verification and compliance mechanisms

18. Development of effective monitoring, verification and compliance mechanisms is necessary for the achievement of nuclear disarmament. The process of developing such means should in itself help build confidence among nuclear-armed States and between nuclear-armed States and non-nuclear-weapon States.

19. Several initiatives are currently being undertaken by individual States and groups of States, including nuclear-weapon States and non-nuclear-weapon States, to investigate technologies, techniques and methodologies to ensure effective monitoring and verification of nuclear disarmament. Reliable, cost-effective technologies that provide a high level of confidence without disclosure of sensitive information to non-nuclear-weapon States should be the goal. Current efforts should be continued and afforded the necessary resources. Ideally, there should be collaboration among current initiatives to help accelerate progress, with regular reports to the Non-Proliferation Treaty review process. All States should begin to consider how they might contribute to monitoring and verification.

20. A technical study under the auspices of the United Nations should be undertaken that would ascertain the possibility of conducting verification activities without disclosure of sensitive information (such disclosure would run counter to the provisions of articles I and II of the Non-Proliferation Treaty) and lay the ground for further efforts to develop nuclear disarmament verification mechanisms involving all interested Non-Proliferation Treaty States parties.

21. An even greater challenge than ensuring effective monitoring and verification is to design and agree on measures to ensure compliance by States with their legally binding obligations, including the use of enforcement measures, when non-compliance occurs. Among the worst-case scenarios that must be confronted is the "breakout" of a State from a nuclear-weapon-free world by acquiring a nuclear weapon or weapons. To give all States the confidence that nuclear disarmament will be effective and durable, agreed mechanisms must be created to ensure timely enforcement. Research into this relatively neglected but vital subject should be accelerated both by Governments and civil society and results shared in the Non-Proliferation Treaty review process.

22. The control of weapons-usable fissile material — highly enriched uranium and weapons-usable plutonium — is both a near-term imperative and a prerequisite for disarmament. States are encouraged to end production of fissile material for nuclear weapons; those that continue to produce such material are encouraged to clarify what prevents them from stopping.

23. In this regard, all States should:

(a) Ensure the highest standards of physical protection and security for existing stocks of such material;

(b) Work cooperatively to develop widely accepted techniques for the irreversible and verifiable disposition of excess ex-weapons fissile material.

24. A world free of nuclear weapons will require an agreed, legally binding global regime that regulates production, provides verifiable accounting of existing material, provides adequate safeguards against its use in nuclear weapons and disposes of it in an irreversible and verifiable manner. This regime should include effective provisions to ensure that highly enriched uranium used in nuclear-powered warships or for civilian uses cannot be diverted to weapons use. All States possessing highly enriched uranium or weapon-usable plutonium should work towards developing the characteristics of such a regime.

(c) Setting a nuclear disarmament agenda that addresses hard questions about the relationship between security and disarmament

25. There are fundamental differences within and between States regarding the utility of nuclear deterrence. The existence of these differences needs to be accepted and addressed constructively if they are then to be reconciled in a way that will make the elimination of nuclear arsenals possible. Proponents and opponents of nuclear

deterrence must persist in bridging their differences. Although nuclear deterrence may arguably enhance stability in certain environments, it is a dangerous long-term basis for global security, and therefore all States should seek a better long-term solution.

26. Meanwhile, all States should:

(a) Reaffirm the understanding that nuclear war cannot be won and should never be fought;

(b) Restore civility in discourse, without which there is no cooperation.

27. In addition, nuclear-armed States should:

(a) Eschew any nuclear war-fighting doctrine;

(b) Refrain from coercive action based on the threat of use of nuclear weapons.

28. "Bridge builders" should launch honest dialogue that:

(a) Seeks to design a disarmament process or framework with effective measures and benchmarks;

(b) Aims to establish common ground for all States by setting an agenda comprised of hard questions that: (a) address the right of self-defence, which under extreme circumstances of national survival could envisage the possibility of limited threat of use or use of nuclear weapons, mindful of international humanitarian law, taking into account the humanitarian consequences of nuclear weapons and protection of civilians, non-combatants and the environment; and (b) ensure that human security is considered in designing a world free of nuclear weapons, while preserving international peace and security; and

(c) Seeks solutions to the ultimate dilemma facing nuclear disarmament: how to guarantee the security of all States by ensuring compliance with the obligations under such a regime, including timely enforcement when other measures fail to achieve compliance.

Group of Eminent Persons for Substantive Advancement of Nuclear Disarmament
Member list

Takashi Shiraishi (Chair)	President, Institute of the Asian Economic Studies, Japan External Trade Organization
Setsuko Aoki	Professor, Keio University
Masahiko Asada	Professor, Kyoto University
Linton F. Brooks	Former Administrator, National Nuclear Security Administration
Tim Caughley	Non-Resident Senior Fellow, UNIDIR
Trevor Findlay	Senior Research Fellow, Department of Social and Political Sciences, Faculty of Arts, University of Melbourne
Angela Kane	Former United Nations High Representative for Disarmament Affairs
Mahmoud Karem	Former Ambassador of Egypt to Japan, former member of the United Nations Secretary-General's Advisory Board on Disarmament Matters
Anton Khlopkov	Director of Center for Energy and Security Studies
Yasuyoshi Komizo	Chairperson, Hiroshima Peace Culture Foundation
George Perkovich	Ken Olivier and Angela Nomellini Chair/Vice President for Studies, Carnegie Endowment for International Peace
Tariq Rauf	Former Head of Verification and Security Policy Coordination Office, International Atomic Energy Agency
Shen Dingli	Professor and Associate Dean, Institute of International Studies, Fudan University
Bruno Tertrais	Deputy Director, Foundation for Strategic Research
Masao Tomonaga	Honorary Director, Japan Red Cross Atomic Bomb Hospital in Nagasaki
Noboru Yamaguchi	Vice-President, International University of Japan/ Advisor, The Sasakawa Peace Foundation

Note: Ambassador Dr. Mahmoud Karem was not able to participate in the second meeting owing to official affairs. Given to his absence at the finalizing process, he is not fully associated with this recommendation. However, his general agreement to this recommendation remains within his intention to participate in the next round of the meeting in the Japanese fiscal year 2018.

Annex II

Chair's Summary*

First and Second Meetings of the Group of Eminent Persons for Substantive Advancement of Nuclear Disarmament

March 2018

I. Purpose of the Group and report

1. The Group of Eminent Persons for Substantive Advancement of Nuclear Disarmament was established under the initiative of former Foreign Minister Fumio Kishida and announced at the first session of the Preparatory Committee for the 2020 Review Conference of the Parties to the Nuclear Non-Proliferation Treaty, held in Vienna in May 2017. The context for establishment of the Group is, among other issues, deterioration of the international security and nuclear policy environments, especially due to the crisis provoked by the Democratic People's Republic of Korea nuclear weapons programme, and the widening of serious schisms on approaches towards achieving a world without nuclear weapons between nuclear-weapon States and non-nuclear-weapon States, as well as among non-nuclear-weapon States.

2. The mandate of the Group is to submit to the Foreign Minister of Japan policy recommendations on concrete measures for the substantive and effective advancement of nuclear disarmament. The Government of Japan will introduce these recommendations into the Non-Proliferation Treaty preparatory meetings leading up to the 2020 Review Conference, and will urge the international community to implement the Group's suggested measures. Members of the Group participated in the discussions in their personal capacities and do not represent any specific organizations or countries.

3. The work of the Group will be implemented in two phases. In Phase I, the Group produced recommendations by March 2018 for input by representative of the Government of Japan to the second session of the Preparatory Committee for the 2020 Review Conference, to be held in late April 2018. In Phase II, the Group will make further recommendations for the 2020–2025 Non-Proliferation Treaty review cycle and beyond, which will be presented at the third session of the Preparatory Committee in Spring 2019.

4. The Group developed policy recommendations in Phase I that focus on urgent and immediate activities to build bridges across the nuclear disarmament divide. Among these are: (a) enhancing the implementation of the Non-Proliferation Treaty review process; (b) implementing confidence-building measures as foundations for bridge-building; and (c) creating the ground for converging different approaches. The last part includes three efforts: identifying elements of nuclear disarmament; intensifying efforts to develop nuclear disarmament monitoring, verification and compliance mechanisms; and setting a nuclear disarmament agenda that addresses hard questions about the relationship between security and disarmament.

* The chair's summary, prepared under his own authority and responsibility, outlines his understanding of the discussions at the first and second meetings of the Group of Eminent Persons for the Substantive Advancement of Nuclear Disarmament, held in Hiroshima and Tokyo in November 2017 and March 2018, respectively. The chair's summary constitutes neither a consensus document nor recommendations of the Group.

II. State of play

5. Despite frequently reiterated commitments to achieve total elimination of nuclear weapons by literally all countries, including nuclear-armed States, progress toward nuclear disarmament has stalled. Although there are some positive and important aspects of the current situation, notably the continued non-use of nuclear weapons for more than 70 years after the atomic bombings of Hiroshima and Nagasaki in August 1945, nuclear disarmament efforts have been hampered by both acute and chronic problems that have intensified in the past several years.

A. Acute problems

1. Democratic People's Republic of Korea

6. The most immediate and serious crisis confronting regional and international security, nuclear disarmament and non-proliferation — and which risks breaking the tradition of non-use of nuclear weapons — is caused by development by the Democratic People's Republic of Korea of nuclear weapons and ballistic missiles. The long-running challenges raised by the declared withdrawals of the Democratic People's Republic of Korea from the Non-Proliferation Treaty in 1993 and 2003 have worsened considerably in the last couple years. Through frequent and alarming tests, the Democratic People's Republic of Korea has bolstered its nuclear and ballistic missile capabilities aggressively and rapidly. The Democratic People's Republic of Korea repeatedly threatens to use nuclear weapons (even pre-emptively) against Japan, the United States and the Republic of Korea. There is a worrying possibility of tensions, with the Democratic People's Republic of Korea escalating to the nuclear level, either deliberately or by miscalculation or accident. Deterrence or other means to avoid such escalation might not work to prevent the actual use of nuclear weapons in the future. Some experts also warn of the possibility of a domino effect, in which concerned countries in the region and beyond might alter their security and nuclear-related policies depending on how the Democratic People's Republic of Korea issue evolves.

2. United States-Russia

7. Amidst deteriorating bilateral relations, the erosion of United States-Russian nuclear arms control cooperation presents another immediate, serious concern with important ramifications for the overall nuclear disarmament architecture. Washington and Moscow have each accused the other of violating the Intermediate-Range Nuclear Forces Treaty. Unless and until they resolve this issue, prospects look dim for further reductions in strategic and non-strategic nuclear weapons, below the limits established under the new Strategic Arms Reduction Treaty (START). The lack of momentum and political will for deeper cuts in United States and Russian nuclear weapons is complicated by concerns that third countries may attempt to achieve strategic parity or offset nuclear forces with ballistic missile defence technology, conventional hypersonic strike weapons or other emerging technologies.

3. Geopolitical competition

8. Geopolitical competition along with ongoing power transitions, especially in North-East and South Asia, Europe and the Middle East, cast doubts on the prospects for promoting nuclear disarmament and non-proliferation from several directions. Several concerned countries have re-evaluated the role of (extended) nuclear deterrence in addressing perceived security challenges. Nuclear-armed States continue to modernize their nuclear arsenals, aiming to maintain and/or bolster

nuclear deterrence. Such activities in these States reflect beliefs that nuclear weapons remain crucial to deterring major aggression, to protecting national security, and as a guarantor of peace. According to these beliefs, States would more likely face aggression if they relinquished nuclear weapons, and conventional forces alone might not be sufficient to deter or defeat aggression. Countries whose security policy involves nuclear deterrence have become more cautious about the potential negative implications of nuclear disarmament efforts on their nuclear deterrence practices.

B. Chronic problems

1. Multilateral nuclear arms control

9. Nuclear disarmament efforts face a chronic standstill. The Comprehensive Nuclear-Test-Ban Treaty, concluded in 1996, has yet to enter into force. Formal substantive negotiation on a fissile material cut-off treaty) has not commenced at the Conference on Disarmament. Outside of the Conference, there have been very few meaningful multilateral nuclear disarmament initiatives in which nuclear-armed States have been involved.

2. Roles of nuclear weapons

10. Nuclear-armed States (and their allies, to a lesser extent) continue to attach importance to nuclear weapons for, inter alia: deterring an adversary's use of nuclear weapons (and, for some countries, other weapons of mass destruction and conventional weapons); preventing large-scale warfare among major powers (or nuclear-armed States); stabilizing major-power relations through mutual deterrence; offsetting an adversary's perceived superior military capabilities; and preserving status and prestige as a major power. Accordingly, nuclear-armed States' perceptions of the value of nuclear deterrence and the status and prestige derived from nuclear weapons remain as potential temptation for further nuclear proliferation.

3. Non-proliferation Treaty

11. The Non-Proliferation Treaty — the cornerstone of the international nuclear non-proliferation regime — and its review process are now facing great challenges. Among others, non-nuclear-weapon States have been frustrated by perceived inadequate implementation of article VI of the Non-Proliferation Treaty by nuclear-weapon States. In this context, non-nuclear-weapon States question what should constitute "meaningful measures" toward disarmament under the Treaty. Some non-nuclear-weapon States note that none of the five nuclear-weapon States have ever carried out nuclear force reductions expressly for the purpose of implementing article VI; rather, such reductions have been driven by national security considerations and not by fealty to the disarmament provisions contained in the Non-Proliferation Treaty.

12. Another outstanding challenge is the lack of universality of the Non-Proliferation Treaty. India, Israel and Pakistan refused to join the Non-Proliferation Treaty. Meaningful discussions on disarmament require the participation of all three countries, but their non-membership means that this is not possible in the current Non-Proliferation Treaty context.

13. In addition, the Non-Proliferation Treaty review process suffers from institutional fatigue. Among the contributing factors is inadequate implementation and marginal progress on previously made consensus commitments on nuclear disarmament (i.e., the 13 steps agreed in 2000 and the 2010 Action Plan) following strenuous efforts at prior review conferences. Even reviews on implementation of these measures have not been conducted adequately. Discussions of article VI and other provisions have become sterile and repetitive. Furthermore, many countries and

civil society groups have seemingly become indifferent to the review process; instead, only a few States devote high-level attention to the reviews. This contributes to a vicious cycle that decreases the value of the review process, in which some States demonstrate incomplete understanding of the Treaty and inadequate preparation for its review process, which then hampers their ability to negotiate in real time or take part in interactive discussions.

C. Gap

14. Persistent stalemate and erosion of progress toward nuclear disarmament have widened a gap between nuclear-armed States and non-nuclear-weapon States and among non-nuclear-weapon States. In the Group's discussions, this divide was also characterized by the use of the terms "disarmers", who favour the immediate prohibition and abolition of nuclear weapons, and "deterrers", who favour retaining nuclear deterrence.[1]

15. The divide between disarmers and deterrers results from different perspectives regarding nuclear weapons, or lack of understanding between the two groups regarding, inter alia, geostrategic circumstances and divergent ways to improve global security. Deterrers argue for the necessity of maintaining nuclear deterrence for their national security. They perceive that nuclear weapons and nuclear deterrence play essential roles for maintaining national security and stability and preventing major-power conflict. Disarmers, on the other hand, mostly disagree with the argument that stability can be best achieved through a nuclear "balance of terror." Instead, they insist that the continued existence of nuclear weapons threatens tremendous humanitarian consequences. They also argue that nuclear-armed States and their allies — who mostly argue for following a step-by-step or progressive approach to disarmament — should explain their approach more concretely; how to define the steps and the corresponding measures needed to reach them.

1. Humanitarian dimensions

16. The divide is also seen in debates over humanitarian dimensions of nuclear weapons. Disarmers and some deterrers, to an extent, recognize the humanitarian implications of continued possession of nuclear weapons. However, disarmers criticize deterrers for attaching less importance to, or giving insufficient recognition to, humanitarian dimensions, and for refusing to accept a norm that delegitimizes the use or threat of use of nuclear weapons. For disarmers, humanitarian norms are gaining more prominence on the basis of fears that an erratic, miscalculated decision, or misguided leadership, may lead to crisis, escalation, or war resulting in devastating impact on humanity. In this view, the survival of humanity requires that nuclear weapons never be used under any circumstances and should be eliminated.

2. Treaty on the Prohibition of Nuclear Weapons

17. On the basis of these perceptions, States and civil society groups supporting nuclear disarmament took the initiative to establish the Treaty on the Prohibition of Nuclear Weapons, concluded in July 2017. The Treaty stipulates a total ban on nuclear weapons and their related activities by signatory States. Proponents argue that the Treaty on the Prohibition of Nuclear Weapons, which highlights international concerns about the potential disastrous humanitarian and environmental consequences of nuclear war, is itself an essential plank in the platform for

[1] How to define "disarmers" and "deterrers," as well as whether to use these terms, were not agreed by the members, but are used in this chair's summary for the purpose of convenience to clarify the points of discussions.

elimination of nuclear weapons, and will increase awareness of the humanitarian dimensions of nuclear weapons, thereby enhancing a prohibition norm. For proponents, the initiative to conclude the Treaty on the Prohibition of Nuclear Weapons was an expression of unwillingness to be blocked in venues where progress toward disarmament is currently being frustrated by nuclear-armed States. The Treaty also demonstrates the political costs of the nuclear-armed States' failure to live up to their Non-Proliferation Treaty commitments regarding disarmament, and challenges the notion that nuclear weapons are acceptable armaments.

18. Opponents criticize the conclusion of the Treaty on the Prohibition of Nuclear Weapons. They insist that it will not be effective in eliminating nuclear weapons precisely because the nuclear-armed States refused to participate or sign the Treaty. Opponents also argue that the leading governmental and nongovernmental advocates of the Treaty on the Prohibition of Nuclear Weapons do not address the security issues which drive nuclear-armed States and their allies to rely on nuclear deterrence. Furthermore, they criticize the Treaty for eliding how nuclear disarmament should be verified and enforced, most serious and complicated issues that must be resolved if nuclear disarmament is actually to be pursued.

19. Opponents of the Treaty on the Prohibition of Nuclear Weapons warn that the Treaty risks neglect of the Non-Proliferation Treaty and its review process, possibly leading to the delegitimization of the foundation of the international non-proliferation regime. Proponents, on the other hand, argue that the Treaty on the Prohibition of Nuclear Weapons is not a cause but a symptom of the gap between nuclear-weapons States and non-nuclear-weapons States that has already been "institutionalized" in the Non-Proliferation Treaty and has widened for over a decade owing to inadequate implementation of nuclear disarmament obligations/commitments by nuclear-armed States. Thus, the Treaty on the Prohibition of Nuclear Weapons negotiation process and conclusion highlights how deep the gap between these two groups has become and has, at the same time, widened the gap further.

III. Agenda for work

20. In their discussions, the Group contemplated and discussed an agenda for work toward a world without nuclear weapons comprised of the following steps: first, reversing current negative trends by taking (even small) concrete measures; second, simultaneously and/or following efforts to reverse negative trends, formulating and beginning to implement nuclear disarmament measures, targeted at, for instance, a so-called minimization point; and third, establishing a common vision for global security without nuclear weapons. The second and third steps, including hard questions (see para. 40), will be discussed mainly in the next round of Group meetings held in the Japanese fiscal year 2018 (starting from April 2018 through March 2019).

A. Short term: reversing negative trends

21. Although the current situation surrounding nuclear disarmament cannot be solved or remedied in the short term, it is imperative to arrest further deterioration in the nuclear environment and to foster political will to cultivate common ground.

1. Democratic People's Republic of Korea

22. Addressing the dangerous nuclear weapons and missile development by the Democratic People's Republic of Korea is the top priority among short-term efforts to reverse negative trends in regional/international security, as well as nuclear disarmament. The uncompromisable goal, which might not be realized in the short

term, is to achieve the complete, verifiable and irreversible dismantlement of the nuclear weapons programme of the Democratic People's Republic of Korea. The Democratic People's Republic of Korea cannot and should not be granted either de jure or de facto status as a nuclear-weapon State.

23. Despite recent positive developments, namely the announcement of an inter-Korean as well as a United States-Democratic People's Republic of Korea summit, it is still difficult to find a way of reversing the nuclear weapons programme of the Democratic People's Republic of Korea. Neither diplomacy nor political and economic pressure, mounted over decades, have led Pyongyang to renounce its nuclear programme. Removing the nuclear arsenal through military means or by forcibly changing the regime are not viable options given the possibility of devastating damage that the Republic of Korea and Japan would suffer from retaliation by the Democratic People's Republic of Korea, including potentially with nuclear weapons. Relevant States confronting Democratic People's Republic of Korea nuclear threats must urgently act to both prevent further deterioration of the situation and configure a policy consisting of engagement, sanctions, pressure, deterrence and containment, while also taking first steps toward a solution.

2. United States-Russia

24. The Russian Federation and the United States, as two nuclear superpowers, bear special responsibility for advancing nuclear disarmament. In spite of — indeed because of — deterioration in the United States-Russia relationship, they should make extraordinary efforts to maintain the bilateral nuclear arms control architecture. An important step in this regard is for both parties to agree a five-year extension of New START and to resolve issues regarding compliance with the Intermediate-Range Nuclear Forces Treaty. Establishing regular bilateral dialogues on nuclear arms control, disarmament and strategic stability is critical to facilitating these efforts and could also establish a basis for future negotiations on further reductions of strategic and non-strategic nuclear arsenals.

3. Dialogues

25. The Group underscored the importance of dialogue between disarmers and deterrers for easing current tensions, narrowing perception gaps, finding middle ground and promoting cooperation on nuclear disarmament. Political leaders and a wide range of civil society actors need not only to acknowledge the differences that divide the groups, but also to seek common goals and values through collaboration and cooperation.

26. Meanwhile, to revitalize meaningful dialogue on nuclear disarmament, both immediately and enduringly, the international community needs to renew its commitment to achieve a world without nuclear weapons. The following issues could be included in statements of renewed commitment, which not all nuclear weapon-possessing States have made clear: nuclear war must never be fought and cannot be won; nuclear weapons are only weapons of deterrence and not for war fighting; the use of nuclear weapons can be considered only in extreme circumstances; and international humanitarian law will be respected in all circumstances.

4. Transparency and confidence-building measures

27. To help facilitate promotion of nuclear disarmament, transparency and confidence-building measures could be pursued alongside dialogues.

28. Transparency measures can provide a baseline for promoting nuclear disarmament. Enhancing the types and scope of information that exists about each State's nuclear weapons can facilitate more effective action to bridge the divide. It is

unrealistic to expect full transparency, for example on the numbers and deployment status of nuclear weapons, given concerns that such information could decrease the effects of nuclear deterrence. However, transparency in strategy and doctrine — that is, how States think about nuclear weapons and why they think they need to possess them — is essential. To the extent possible, transparency in numbers, capabilities, deployments and modernization plans for nuclear arsenals should also be increased in this context.

29. Transparency and confidence-building measures can also help States to manage risks of deliberate, accidental, inadvertent or unintended nuclear escalation. Nuclear-armed States could usefully negotiate such measures for promoting multilateral nuclear threat reduction cooperation, for example. Transparency and confidence-building measures should also be contemplated in the context of the establishment of the Treaty on the Prohibition of Nuclear Weapons, aiming to reduce the possibility that nuclear weapons will be used and that such use would result in catastrophic humanitarian consequences.

5. Non-Proliferation Treaty

30. Efforts to mitigate potential damage to the Non-Proliferation Treaty are needed in advance of the 2020 Review Conference. There are two important questions in this regard: how to use the review cycle to strengthen the Non-Proliferation Treaty; and which issues should be prioritized in the lead-up to the Review Conference. Such priorities would include: issues regarding nuclear disarmament; the prospects for convening a conference on a Middle East zone free of nuclear weapons and other weapons of mass destruction and their delivery vehicles; the situation on the Korean Peninsula; and preservation of and compliance with the Joint Comprehensive Plan of Action, which resolved the crisis over the nuclear programme of the Islamic Republic of Iran. A spirit of compromise and understanding is essential if Non-Proliferation Treaty States parties are to ensure a productive 2020 Review Conference.

31. It will be impossible to avoid issues related to the Treaty on the Prohibition of Nuclear Weapons in the second and third Non-Proliferation Treaty Preparatory Committee meetings and the Review Conference. Hypothetically, although unlikely, some Non-Proliferation Treaty parties may become increasingly dissatisfied with the pace of progress on nuclear disarmament and decide to withdraw from the Treaty. A more likely risk is that, once the Treaty on the Prohibition of Nuclear Weapons enters into force, some non-nuclear-weapon States party to the Non-Proliferation Treaty shift their attention from the Non-Proliferation Treaty to the Treaty on the Prohibition of Nuclear Weapons, further weakening the Non-Proliferation Treaty review process.

B. Midterm: pursuing a common vision

1. Minimization point

32. One of the important tasks for the Group is to re-evaluate the concept of a nuclear disarmament "minimization point," which the Government of Japan has advocated for several years. The International Commission on Nuclear Non-Proliferation and Disarmament characterized the minimization point as one consisting of very low numbers of nuclear warheads (less than 10 per cent of the nuclear arsenals that existed in 2005); adoption of "no first use" doctrines; and implementation of force deployments and alert statuses reflecting that doctrine.

33. To clarify the concept and to make it more valuable in promoting nuclear disarmament, the Group discussed several issues regarding the numbers and roles of nuclear weapons that could be considered as a minimum level, including:

(a) Whether the number of nuclear weapons matters (quantitative minimization), or whether it is more important that the roles and objectives served by nuclear weapons are reduced (qualitative minimization);

(b) How many nuclear weapons would be regarded as necessary or acceptable to credibly maintain a minimum deterrent; and whether the numbers could be tailored to the individual nuclear-armed States;

(c) To what extent and how the importance given to nuclear weapons could be minimized and the roles that nuclear weapons play in international security issues could be narrowed;

(d) What would constitute a "minimized role" for nuclear weapons in concrete terms: for example, whether it would involve precluding nuclear counterforce options or giving up conventional military targeting entirely;

(e) How the relationship between a quantitative and/or qualitative minimization point and deterrence can be defined:

(i) Whether nuclear-armed States would also need to have more accurate and reliable weapons should they proceed to a certain "minimization point." If so, whether that would mean acceptance of certain modernization programmes, which are not usually welcomed by disarmers;

(ii) How States that have chosen to maintain extended nuclear deterrence could maintain confidence in their security during work on this process;

(iii) What it means for missile defence systems; specifically, whether more missile defences would be needed in order to limit potential damage, or fewer missile defences to ensure that one's adversaries would need fewer nuclear weapons for credible deterrence;

(f) Whether minimum deterrence can be achieved compatible with the objective of minimizing the risk of humanitarian disaster. If one tries to define a minimization point in connection with avoidance of humanitarian disaster at a global level, it could result in a new logic that has not been considered before;

(g) How enforcement of nuclear disarmament can be implemented if a State attempts to exceed or break out from the minimization point.

34. A minimization point may be perceived as a risky term or concept. For those who regard the process of nuclear disarmament since the Non-Proliferation Treaty entered into force as too slow, "minimization" could connote an "acceptable" minimum arsenal level. Nuclear-armed States, on the other hand, could attempt to use this concept as a way to avoid deep reductions in the numbers and roles of nuclear weapons, arguing that that the current level is a minimization point for them. The potential limitations of this concept should be considered by the Group.

2. Multilateral nuclear disarmament

35. In pursuit of a minimization point, multilateral nuclear disarmament should be reinvigorated as one of the most important midterm efforts.

36. The Comprehensive Nuclear-Test-Ban Treaty, which has yet to enter into force, is one of the most important pillars of tangible progress toward nuclear disarmament. Considering that the Treaty remains not yet in force, the Group contemplated measures that could further advance the objectives of the Treaty and reinforce the non-testing norm. According to article 18 of the Vienna Convention on the Law of Treaties, signatories to a treaty are legally bound to it. The Comprehensive Nuclear-Test-Ban Treaty is no exception: that is, signatories and ratifiers are all legally bound not to conduct a nuclear test explosion. Still, efforts to promote its entry into force

are important, especially in regard to delegitimizing nuclear testing by the Democratic People's Republic of Korea. In addition, States should ensure sufficient funding for maintaining and improving the international monitoring system of the Comprehensive Nuclear-Test-Ban Treaty.

37. Commencing negotiation of a fissile material cut-off treaty as early as possible would be a significant step forward for multilateral nuclear disarmament. Considering the challenges encountered in attempting to negotiate a fissile material cut-off treaty in the framework of the Conference on Disarmament and the urgent need to find avenues for progress, like-minded countries could find some other venue in which to commence the negotiation. Other measures to improve accountability of fissile material stocks — and in particular military-usable fissile materials, which constitute some 85 per cent of global stocks — would be a useful step in this direction.

38. In addition to prominent but traditional measures, the following ideas are also worth further consideration as midterm multilateral efforts toward a minimization point, for example:

(a) Committing to restraint and possibly freezing of nuclear weapons development and modernization programmes;

(b) Promoting multilateral reductions of nuclear weapons as part of a global initiative to reduce force levels and the destructive power of nuclear weapons as a way to involve countries that have not undertaken reductions, accompanied by steps to maintain stability;

(c) Identifying additional steps to make reductions irreversible, such as unilateral but mutual dismantlement of nuclear warheads and disposition of weapons-grade plutonium and uranium;

(d) Restricting and/or banning certain types or categories of delivery vehicles.

3. Roles of nuclear weapons

39. Measures to reduce the roles of nuclear weapons have been widely proposed for many decades, including negative security assurances, no-first-use or sole-purpose declarations and de-alerting of nuclear forces. In Phase I, the Group did not thoroughly examine such concrete measures, instead focusing on whether, what and how those measures could be taken.

40. The Group, for example, raised hard questions that disarmers and deterrers should discuss and address so as to break the current impasse and achieve a common vision for a world without nuclear weapons, including, inter alia:

(a) What can be done to raise confidence that deterrence can be credibly maintained without actually using nuclear weapons. It may not be useful to say that weapons are for deterrence but not for use, for if one is not going to use the weapon, it is hard to see how it contributes to deterrence. By the same token, if a State declares that it is willing to use nuclear weapons and its interests are so threatened that it is determined to do so, it is hard to see what will deter it;

(b) Whether it is feasible to declare that nuclear weapons are only weapons of deterrence and can never be considered weapons of "war-fighting," or that deterrence and war fighting cannot exist separately;

(c) If disarmers say that it should/could never be permissible to use nuclear weapons, then what that means for the right of national self-defence;

(d) If deterrence fails and an adversary uses nuclear weapons when a State is still in the midst of hostility that threatens its vital interests, what would the threatened

State do. There is no evidence to suggest how nuclear-armed States might act in this situation to manage conflict after the use of nuclear weapons;

(e) If a State facing aggression concludes that it will lose a war that threatens its existence unless it (or its allies) uses nuclear weapons, whether disarmers say that the State is required to commit national suicide; whether there are non-nuclear threats today or on the horizon that cannot be deterred or defeated by means other than nuclear weapons;

(f) What can be done to resolve such threats, through diplomacy and other means;

(g) To what extent non-nuclear military capabilities can be alternatives to nuclear deterrence;

(h) What offensive and defensive military capabilities must be controlled, balanced or eliminated in order to make roles of nuclear weapons feasibly decreased by all nuclear-armed States. What methods could be developed to define whether and how cross-domain balances could be achieved.

41. Meanwhile, the Group emphasized the significance of accountability and responsibility that nuclear-armed States should take. In case of nuclear use, they should be legally and internationally responsible for any damage caused to the third parties.

42. Regarding issues of status and prestige associated with nuclear weapons, the existing de facto coincidence between nuclear-weapon State status (N5) and permanent membership of the Security Council (P5) remains problematic. Reform of the Security Council membership could alter any misguided perception that nuclear weapons are instruments of prestige, which could help reduce temptation to proliferate based on the desire for status.

4. Finding a middle ground

43. Finding and reaching a middle and/or common ground between disarmers and deterrers is indispensable for advancing nuclear disarmament. This task needs serious and consistent effort to establish a balance between seeking peace by deterring war and seeking peace through international legal regimes. The longstanding dispute over the way forward can only be addressed by reasoned discourse through face-to-face engagement, rather than unproductive finger pointing.

44. One possible fruitful avenue to reduce the gap between disarmers and deterrers would be to establish a common position that reliance on nuclear weapons is not an ideal option, even if one side believes that nuclear deterrence has brought more benefit than risk. For such an avenue to be productive, both sides must seek to restore confidence in a process based on consensus, while at the same time finding ways to ensure that the parties take responsibility for protecting the consensus principle from abuse.

45. Secondly, disarmers and deterrers should acknowledge that security concerns expressed by States that now rely on nuclear deterrence must be resolved, or at least redressed, if nuclear disarmament is actually to be pursued. By the same token, States that rely on direct or extended nuclear deterrence should address what can and should be done to limit risks of escalation that could cause humanitarian disaster. And advocates of nuclear prohibition should address how potential aggression can be deterred and defeated without recourse to nuclear weapons.

46. Thirdly, disarmers would demand that nuclear-armed States and allies explain their legal accountability for using nuclear weapons if they argue that they face threats in which they need to depend on nuclear deterrence. From a disarmers' viewpoint,

deterrers have not necessarily addressed those issues explicitly. Disarmers would call on deterrers to show what they are doing to demonstrate that their use of nuclear weapons will not actually pose a humanitarian disaster: on what basis anyone should have confidence that, once nuclear weapons are used in a conflict involving two nuclear-armed adversaries, the conflict will not escalate to the point of humanitarian disaster.

47. Fourthly, they could discuss how deterrence for and/or norms on preventing use of nuclear weapons can play a role in promoting nuclear disarmament. The common enemy may not necessarily be nuclear weapons, per se, but nuclear use. A world without nuclear weapons is not today's world minus nuclear weapons. It is a fundamentally transformed world in which States and other actors do not feel the need to possess nuclear weapons and therefore have dismantled the means to do so. Meanwhile, the important task must be to manage the existing world so as to reduce the risk of use, with its devastating consequences. In order to deepen the understanding of the humanitarian risks of nuclear weapons, visits to Hiroshima and Nagasaki could be an important starting point for such recognition.

48. Fifth, regarding the Treaty on the Prohibition of Nuclear Weapons, countries opposing it need to explain reasons why they are not able to join and propose much more concretely how to make progress on nuclear disarmament. At the same time, proponents and opponents could jointly consider, inter alia, what to do after the Treaty on the Prohibition of Nuclear Weapons enters into force: what kind of steps to be defined and promoted under the Non-Proliferation Treaty regime and also under the Treaty on the Prohibition of Nuclear Weapons regime; and how they could design a verifiable and enforceable nuclear disarmament regime. These issues could be discussed at the review conferences of the Non-Proliferation Treaty and/or Treaty on the Prohibition of Nuclear Weapons, or other forums.

49. Lastly, engaging with civil society and academia is essential to advance nuclear disarmament and non-proliferation. Increasing efforts to educate and inform citizens, especially the younger generation, about the various dimensions of nuclear weapons serve to construct a firm basis for valuable discussions.

5. Regional issues

50. Regarding regional nuclear issues, the key driver for nuclear weapons acquisition (as opposed to mere nuclear temptation) remains the combination of the perception of an existential threat and of the absence of a credible security guarantee. Whether real or imagined, addressing such threats is the key to disarmament. Therefore, vital efforts should be directed at unresolved political problems and to bring parties to the negotiating table. Track 1 and track 1.5 processes should encourage regional talks and strengthen confidence-building measures. In addition, States in key regions should consider: creating inter-regional dialogue mechanisms for nuclear disarmament and non-proliferation; inviting States which have renounced the nuclear option to speak about their experiences; developing interregional talks to share experiences on addressing regional security and nuclear challenges, including how to minimize negative implications of a regional security environment for the Non-Proliferation Treaty regime. In this regard, sustaining the international nuclear non-proliferation regime is essential to resolving regional security challenges.

C. Long term: envisioning global security without nuclear weapons

51. Reaching a minimization point could be a useful step toward disarmament, but it is not an ultimate objective and there would remain very difficult issues that must be resolved to achieve a world without nuclear weapons. In this regard, the Group

considers it of value to explore a model of what a sufficient nuclear disarmament regime would entail. What needs to be dismantled? What facilities and capabilities would need to be eliminated, or placed under international monitoring? How would verification be accomplished? And how would disarmament be enforced?

1. International system

52. Firstly, it is necessary to contemplate under what international security system total elimination of nuclear weapons could be achieved and how the system should be maintained and bolstered after realization of the elimination of nuclear weapons. Advocates of nuclear disarmament should give greater thought to an after-nuclear world, what that world would look like, and how deterrence would work without the existence of nuclear weapons.

2. Verification

53. Secondly, the further nuclear weapons are reduced, the more important monitoring and verification for nuclear disarmament will become in order to maintain the confidence of the international community, to detect non-compliance, and to enforce obligations. This will require credible mechanisms to verify nuclear disarmament. Intensified research on nuclear disarmament verification is needed to develop robust approaches.

54. At the same time, however, nuclear disarmament verification cannot rely solely on technology. Other complementary mechanisms, such as personnel exchanges, will be necessary to mitigate concerns about intrusiveness and espionage associated with potential misuse of monitoring and verification technology.

3. Enforcement

55. Enforcement after detecting non-compliance is one of the most difficult issues in disarmament and non-proliferation. How to devise an enforcement mechanism in a world of sovereign States that will work to deter and, if necessary forcefully reverse violations of any disarmament agreement, remains a paramount and as yet unanswered question. Without establishing an effective enforcement mechanism, it would be very difficult, perhaps impossible, to achieve a world without nuclear weapons.

56. In the current international system, there is no other mechanism besides the Security Council that can deal with the violation of nuclear disarmament treaties. However, it is unrealistic to expect that this mechanism may work for enforcing nuclear elimination obligations since the P5 is coincidentally the N5. Establishing a body for enforcement other than the Security Council would not be realistic if the P5 are not persuaded to support this. Nor is it reasonable to expect, at least for the foreseeable future, that the international community will acquire new technologies that could effectively neutralize the use of nuclear weapons. Achievement of cooperative security in which no country need be concerned about another's violation of nuclear disarmament obligations is similarly remote.

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Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Impact and empowerment: the role of gender in the Non-Proliferation Treaty

Working paper submitted by Ireland

Background

1. In the preamble to the Treaty on the Non-Proliferation of Nuclear Weapons, the States parties to the Treaty, in its first paragraph, consider "the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples". When the States parties agreed in 1995 to the indefinite extension of the Treaty, the decision on principles and objectives for nuclear non-proliferation and disarmament included a reaffirmation of the preamble and provisions of the Treaty. The provision of regular reports within the framework of the strengthened review process, agreed upon in 1995, with respect to the implementation of article VI was included in the 13 practical steps in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The Final Document of the 2010 Review Conference expressed "deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons" and reaffirmed "the need for all States at all times to comply with applicable international law, including international humanitarian law"

2. This clear and reiterated humanitarian impetus for our Treaty was reinforced by the terms of the 1996 advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons, which observed that:

> The destructive power of nuclear weapons cannot be contained in either space or time. They have the potential to destroy all civilization and the entire ecosystem of the planet.
>
> ...
>
> In order correctly to apply to the present case the Charter law on the use of force and the law applicable in armed conflict, in particular humanitarian law, it is imperative for the Court to take account of the unique characteristics of nuclear weapons, and in particular their destructive capacity, their capacity to cause untold human suffering, and their ability to cause damage to generations to come.

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The advisory opinion of the International Court of Justice in this matter is also recalled in the 13 practical steps adopted at the 2000 Review Conference.

3. Ireland has engaged with determination and commitment in the Non-Proliferation Treaty review process and does so again on this occasion. We believe firmly in the humanitarian impetus behind the Treaty and its commitment to nuclear disarmament and non-proliferation. We have therefore welcomed the renewed impetus and focus, since the adoption of the 2010 outcome document, on the humanitarian impact of nuclear weapons, in particular the new information that has been made available with regard to the serious and imminent risks and catastrophic consequences of any nuclear weapons detonation. The three conferences held between 2013 and 2014 in Oslo, Nayarit, Mexico, and Vienna, as well as the work presented at the 2013 and 2016 open-ended working groups, have shown clearly that nuclear disarmament in accordance with article VI is urgent and necessary.

4. Ireland was centrally involved in the United Nations-mandated multilateral treaty negotiations in New York that led to the adoption of the Treaty on the Prohibition of Nuclear Weapons in July 2017. The preamble of the Treaty recognizes that the equal, full and effective participation of both women and men is an essential factor for the promotion and attainment of sustainable peace and security, and commits to supporting and strengthening the effective participation of women in nuclear disarmament. It also recognizes that nuclear weapons "have a disproportionate impact on women and girls, including as a result of ionizing radiation". Reflecting best practice, the Treaty also contains a specific provision in article 6 (1), which commits States parties, with respect to individuals under their jurisdiction who are affected by the use or testing of nuclear weapons, in accordance with applicable international humanitarian and human rights law, to adequately provide age- and gender-sensitive assistance, without discrimination, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion.

5. As a non-nuclear-weapon State, we believe that every opportunity to seek progress in nuclear disarmament must be seized. Our view is that the Treaty on the Prohibition of Nuclear Weapons strengthens and reinforces the disarmament provisions of the Non-Proliferation Treaty, and we encourage all States parties to the Non-Proliferation Treaty and all States Members of the United Nations to join. Equally, we trust that this review cycle and its outcome will also provide a stimulus for action. The Non-Proliferation Treaty is not a charter for the indefinite retention of nuclear weapons, and the heightened regional and international tensions we are currently witnessing make the case for action on multilateral nuclear disarmament even more urgent than before.

Gender, empowerment and nuclear weapons

6. The present working paper builds on the working paper on gender, development and nuclear weapons submitted by Ireland for the 2017 Preparatory Committee, which highlighted the issue of gender in the context of the humanitarian initiative and from the viewpoint of women's participation in negotiating forums on nuclear disarmament. For the first time in the context of the Treaty, the factual summary of the Chair of the 2017 Preparatory Committee made reference to both the research on the strongly gendered impact of ionizing radiation from nuclear weapons and on the low participation of female delegates in nuclear disarmament discussions such as the Non-Proliferation Treaty review cycle.

7. The research conducted by the International Law and Policy Institute and the United Nations Institute for Disarmament Research in their paper on gender,

development and nuclear weapons[1] underpins the conclusions in the working papers submitted by Ireland to the Preparatory Committee. Ireland has consistently sought to bring international attention to the important findings of that research. It was first presented during a side event of the First Committee of the General Assembly in October 2016 and was relaunched by the United Nations Institute for Disarmament Research, Sweden and Ireland during the 2017 meeting of the Preparatory Committee. The issues were further highlighted at meetings of the First Committee in 2017, in a joint statement delivered on behalf of 43 States under the disarmament machinery. Ireland also made its own national statement in that context, where we focused on the engagement and participation of women in disarmament discourse.

8. Our original inspiration for this work comes from the presentation made by Mary Olson, of the Nuclear Information and Resource Service, to the Vienna Conference on the Humanitarian Impact of Nuclear Weapons in December 2014.[2] In that work, and in a subsequent presentation made at a side event organized by Ireland during the 2015 Review Conference, Ms. Olson demonstrates the clear scientific evidence showing that ionizing radiation does not affect men and women equally. In a paper on gendered impacts produced for the Vienna Conference by the International Law and Policy Institute and the United Nations Institute for Disarmament Research, A.G. Dimmen also highlights this important topic.[3] While the detonation of one or more nuclear weapons would cause death on a massive scale and injury to all, the evidence is clear that, over the longer term, of those who are exposed to ionizing radiation from such a detonation, women and girls have a far higher risk of developing cancer than men or boys. Whatever the ultimate biological cause of this greater susceptibility, the evidence is unambiguous. In a longitudinal study of survivors of Hiroshima and Nagasaki, the risk of developing and dying from cancer due to ionizing radiation was almost twice as high for women as for men.

9. Ireland considers that this serious humanitarian aspect of nuclear weapons risk is one that the Non-Proliferation Treaty review process has not given sufficient consideration up to now. With the research now available and the strong evidence that the detonation of these weapons causes far greater harm to the health of women and girls than to men and boys, we must approach our commitments to the disarmament of nuclear weapons with due regard also to our commitments under humanitarian law, to sustainable development, to gender equality under the women and peace and security agenda. We cannot continue to maintain, modernize and improve weapons that are now known beyond any scientific doubt to have disproportionate gendered impacts on women.

10. For this reason, Ireland considers that the significant humanitarian question of the disproportionate effect of a nuclear weapons detonation on women and girls must be reflected in the outcome document of this Non-Proliferation Treaty review cycle. This is a significant aspect of any nuclear weapons detonation, one deserving of far greater attention from States parties to the Treaty than has been the case up to now.

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[1] International Law and Policy Institute and United Nations Institute for Disarmament Research, "Gender, development and nuclear weapons: shared goals, shared concerns", joint paper presented at the General Assembly in October 2016. Available from http://www.unidir.org/files/publications/pdfs/gender-development-and-nuclear-weapons-en-659.pdf.

[2] Mary Olson, "Nuclear: war of human consequences", presentation to the Vienna Conference on the Humanitarian Impact of Nuclear Weapons, December 2014, p. 34. Available from www.nirs.org/international/olsontalkvienna12414.pdf.

[3] A.G. Dimmen, "Gendered impacts: the humanitarian impacts of nuclear weapons from a gender perspective", paper No. 5 of 6 of the International Law and Policy Institute-United Nations Institute for Disarmament Research conference series. Available from ilpi.org/publications/gendered-impacts-the-humanitarian-impacts-of-nuclear-weapons-from-a-gender-perspective/.

11. There have been welcome signs of progress recently in other disarmament forums. The gender provisions of the Treaty on the Prohibition of Nuclear Weapons have already been highlighted above. There are various initiatives on gender and disarmament across multilateral missions, including a Women in Nuclear chapter in Vienna, where Ireland's Ambassador is a member of the International Gender Champions group. In Geneva, Ireland's Permanent Representative is also an International Gender Champion and is working with colleagues on the establishment of a new gender and disarmament impact group. Within the European Union, a key priority is now to ensure a focus on gender and disarmament and advance the women and peace and security agenda while implementing its strategies on weapons of mass destruction and small arms and light weapons. Gender issues also feature heavily in conventional disarmament. With the entry into force of the Arms Trade Treaty in 2014, Ireland and other States parties acknowledged that gender-based violence is a consequence of the arms trade and that it has a disproportionate impact on women and children, and agreed to enforce an export control regime that would incorporate risk assessments for gender-based violence. Article 7 (4) of the Arms Trade Treaty marked the first time gender-based violence has been explicitly recognized in an arms control treaty. Ireland has submitted a working paper to the Third Conference of States Parties to the Arms Trade Treaty and looks forward to further work in this respect.[4] At the Preparatory Committee for the Third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York in 2018, Ireland and other Member States highlighted issues relating to gender and their intention to enhance information-sharing and data collection on issues relating to gender and the illicit trade in small arms and light weapons. As the Non-Proliferation Treaty enters its fiftieth year, it must engage with this important issue in a meaningful and effective manner and reflect the discussion in the summaries of Preparatory Committee meetings and final documents of review conferences.

Women's participation in negotiations on nuclear weapons

12. Ireland also wishes to use the opportunity of the present working paper to highlight another aspect of gender and nuclear weapons, the question of women's participation in negotiating forums. This is particularly important in nuclear disarmament, where the paper by the International Law and Policy Institute and the United Nations Institute for Disarmament Research shows clearly that women continue to be seriously underrepresented in nuclear disarmament work, including at First Committee meetings and Non-Proliferation Treaty review meetings. The disparity is even worse if we study groups of governmental experts working on nuclear disarmament-related matters.

13. Ireland has committed strongly to a gender perspective in our disarmament work. A focus on gender equality has been a cross-cutting issue for Ireland's foreign policy, in line with Security Council resolution 1325 (2000), for many years. This is particularly reflected in our work on human rights, conflict prevention and post-conflict rehabilitation, as well as our work to promote sustainable development. In 2015, our second national action plan on women, peace and security, following a wide public consultation process, included for the first time specific commitments to support the inclusion of a gender perspective and the effective participation of women in disarmament, non-proliferation and arms control.

[4] Working paper presented by Ireland to the Conference of States Parties to the Arms Trade Treaty: Article 7 (4) and gender-based violence assessment. Available thearmstradetreaty.org/images/CSP3_Documents/Conference_Documents/Working_Paper_ATT.CSP3.2017.IRL.183.Conf.WP.pdf.

14. Ireland considers this matter to be of key importance for its work in the context of the Non-Proliferation Treaty. This is, in the first instance, from the principle of fairness, that women should be equally engaged in discussions on weapons which affect them so disproportionately, both biologically and taking into account the wider gendered impacts of conflict, which are also addressed in the paper by the International Law and Policy Institute and the United Nations Institute for Disarmament Research. These broader questions of displacement, discrimination and social stigma are also important in this context.

15. Recognizing that the underlying trend for women's engagement in disarmament forums is improving, although slowly, Ireland would encourage States that can do so to empower, assist and sponsor qualified women participants in nuclear disarmament forums and to take gender diversity into account in the composition of their delegations.

16. Studies show that diversity and differing perspectives make group prediction and problem-solving more effective. Fifty years after the adoption of the Non-Proliferation Treaty, and with a failure to agree on an outcome document in 2015, this review cycle offers us an opportunity for more effective discussions and outcomes. Ireland reiterates its call for a conscious and genuine commitment to improving women's engagement and participation in the work relating to the Treaty. It is a common-sense approach that will result in a more inclusive, positive and representative review process.

Conclusion

17. The imbalance in our Non-Proliferation Treaty meetings at present serves to limit our ability to succeed. Improving the engagement and participation of women will provide fresh perspectives and inject further impetus into our work, which takes on greater significance in this landmark anniversary year for the Treaty. Fulfilling the promise of nuclear disarmament set out by the original drafters of the Treaty and reiterated unequivocally in 2000 and 2010 must be our top priority. Midway through this review cycle, we must keep in mind that nuclear weapons and the devastation that would be unleashed by their use would destroy our shared global goals and aspirations. Any nuclear weapons detonation, whether accidental or deliberate, would have a significant impact on development, gender equality, health, the protection of cultural heritage and the environment. A wider-scale event would wreak devastation for generations. In the present working paper and across our "missing links" papers, Ireland has sought to bring attention to the gendered impact of nuclear weapons and to the need to increase women's participation in nuclear disarmament negotiations. But we are also cognizant of the wider developmental and environmental concerns that nuclear weapons pose for our ever more fragile planet.

18. Fifty years after the adoption of the Non-Proliferation Treaty, and with a view to the twenty-fifth anniversary of its extension in 2020, Ireland wishes to emphasize to our Treaty partners that the participation and engagement of women is not simply a "nice to have", but rather a "must have"; it is essential if we are to achieve meaningful progress on our collective goals.